Supreme Court, U. S.
FILED
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MICHAEL RODAK, JR., CLERK

APPENDIX

In the Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-752

NATIONAL LABOR RELATIONS BOARD,
Petitioner

—v.—

THE CATHOLIC BISHOP OF CHICAGO,
a corporation sole,

and

DIOCESE OF FORT WAYNE-SOUTH BEND, INC., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED NOVEMBER 25, 1977
CERTIORARI GRANTED FEBRUARY 21, 1978

In the Supreme Court of the United States

OCTOBER TERM, 1977

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Petitioner

—v.—

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

Case No.: 13-CA-14944

IN THE MATTER OF:

THE CATHOLIC BISHOP OF CHICAGO,
A Corporation Sole

13-RC-13402

DATE	PROCEEDINGS
6.12.74	Petition filed
8.21.74	Board's Ruling on Administrative Appeal, dated
8.29.74	Notice of Representation Hearing, dated
10. 2.74	Acting Regional Director's Order, dated
11. 4.74	First Amended Petition filed
11. 7.74	Order Postponing Hearing Indefinitely, dated
1.28.75	Order Rescheduling Hearing, dated
2.25.75	Hearing opened
2.25.75	Petitioner's request for special permission to appeal from Hearing Officer's ruling granting Charging Party's motion for sequestration of witnesses, dated
2.26.75	Regional Director's Ruling on Appeal, dated
4.23.75	Hearing closed

DATE	PROCEEDINGS
4.29.75	Regional Director's Order Transferring Representation Case to the National Labor Relations Board, dated
6. 2.75	Charging Party's Brief, dated
6. 2.75	Charging Party's Motion to Correct Record, dated
6. 3.75	Petitioner's Brief, dated
6. 4.75	Petitioner's Motion to Grant Oral Argument, dated
6.18.75	Board's Order Granting Motion to Correct Record, dated
9.16.75	Board's Decision and Direction of Election, dated
10.17.75	Tally of Ballots, issued
10.17.75	Certification on Conduct of Election for Quigley North, dated
10.17.75	Certification on Conduct of Election for Quigley South, dated
10.23.75	Petitioner's Objections to the conduct of the election, dated
10.24.75	Charging Party's letter in response to the Petitioner's Objections to conduct of election, dated
11. 3.75	Regional Director's Supplemental Decision and Certification of Representative, dated

---

13-CA-14944

12. 5.75	Charge filed
12.19.75	Complaint and Notice of Hearing, dated
12.31.75	Petitioner's Answer, received

DATE	PROCEEDINGS
1. 6.76	Amendment to Complaint, dated
1. 8.76	Charging Party's Response to Answer and Affirmative Defenses, and Motion to Transfer Case to the Board and to Enter Summary Judgment, dated
1.14.76	General Counsel's Response to Charging Party's Motion to Transfer Case to the Board and to Enter Summary Judgment, dated
1.16.76	Petitioner's Amendment to Answer, received
1.16.76	Petitioner's response to Charging Party's motion to transfer case to the Board and enter summary judgment, dated
1.23.76	Charging Party's Amended Response to Answer and Affirmative Defenses, and Motion to Transfer Case to the Board and to Enter Summary Judgment, dated
1.26.76	Petitioner's letter correcting an error contained in its previously filed Amendment to Answer, dated
1.29.76	Regional Director's letter advising that he takes no position with respect to charging party's motion for summary judgment, and that he intends to file a motion to transfer the case to the Board and to enter summary judgment on behalf of the General Counsel, dated
2. 9.76	General Counsel's Motion to Transfer Proceedings to the Board and Motion for Summary Judgment, dated
2.20.76	Order Postponing Hearing Indefinitely, dated
2.26.76	Board's Order Transferring Proceeding to the Board and Notice to Show Cause, dated
3.11.76	Petitioner's Motion for Oral Argument, dated

DATE	PROCEEDINGS
3.11.76	Petitioner's Response in Opposition to Motions for Summary Judgment Made By General Counsel and Charging Party and Motion to Dismiss Complaint, dated
3.11.76	Petitioner's Memorandum in Support of Response in Opposition to Motions for Summary Judgment made by General Counsel and Charging Party and Motion to Dismiss Complaint, dated
3.17.76	Charging Party's opposition to Petitioner's Motion for Oral Argument, dated
3.22.76	General Counsel's Response and Opposition to Petitioner's Motion to Dismiss Complaint and Motion for Oral Argument, dated
6.18.76	Decision and Order issued by the National Labor Relations Board, granting *inter alia* the General Counsel's Motion for Summary Judgment
8. 3.77	Decision of the Court of Appeals
8. 3.77	Judgment of the Court of Appeals
2.21.78	Order of Supreme Court granting certiorari

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

Case No.: 25-CA-7622

IN THE MATTER OF:

DIOCESE OF FORT WAYNE-SOUTH BEND, INC.

25-RC-5984

DATE	PROCEEDINGS
6. 4.75	Petition filed
6.18.75	Notice of Representation Hearing, dated
6.24.75	Hearing opened
6.24.75	Hearing closed
7.11.75	Petitioner's Brief, dated
7.17.75	Acting Regional Director's Decision and Direction of Election, dated
7.28.75	Petitioner's Exceptions to Trial Examiner's Decision, received
7.28.75	Petitioner's Request for Oral Argument, received
8. 5.75	Petitioner's Addenda to Petitioner's Request for Review of Exceptions to Trial Examiner's Decision, received
9. 2.75	Board's teletype denying Petitioner's request for review of decision and direction of election and denying request for oral argument, dated
9. 4.75	Notice of Election
9. 4.75	Tally of Ballots issued

DATE	PROCEEDINGS
9. 4.75	Certification on Conduct of Election, dated
9. 4.75	Certification on Conduct of Election, dated
9.12.75	Regional Director's Certification of Representative, dated
10.14.75	Petitioner's Motion for Reconsideration and for Reopening of the Record and to Adduce Additional Evidence, received
10.22.75	Board's teletype denying Petitioner's motion for reconsideration and for reopening of the record, dated

25-CA-7622

12.23.75	Charge filed
1.14.76	Complaint and Notice of Hearing, dated
1.22.76	Petitioner's Answer to Complaint Charging Unfair Labor Practice, dated
2. 9.76	Petitioner's Amendment to Answer, dated
2.27.76	General Counsel's Motion to Strike Portions of the Petitioner's Answer and Motion for Summary Judgment, dated
3.15.76	Board's Order Transferring Proceeding to the Board and Notice to Show Cause, dated
3.26.76	Petitioner's Motion for Oral Argument, dated
3.26.76	Petitioner's Response to Motion to Strike and Response in Opposition to Motions for Summary Judgment Made by General Counsel and Charging Party and Motion to Dismiss Complaint, dated

DATE	PROCEEDINGS
6.18.76	Decision and Order issued by the National Labor Relations Board, granting *inter alia* the General Counsel's Motion for Summary Judgment
8. 3.77	Decision of the Court of Appeals
8. 3.77	Judgment of the Court of Appeals
12.21.78	Order of the Supreme Court granting certiorari

DOCKETED

Form NLRB-502
(11-64)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Form Approved
Budget Bureau No. 64-R002.14

FIRST AMENDED PETITION

DO NOT WRITE IN THIS SPACE

CASE NO: 13-RC-13402

DATE FILED: November 4, 1974

INSTRUCTIONS—Submit an original and four (4) copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.
If more space is required for any one item, attach additional sheets, numbering item accordingly

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. Purpose of this Petition *(If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.)*

(Check one)

- [X] RC-CERTIFICATION OF REPRESENTATIVE—A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- [ ] RM-REPRESENTATION (EMPLOYER PETITION)—One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- [ ] RD-DECERTIFICATION—A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- [ ] UD-WITHDRAWAL OF UNION SHOP AUTHORITY—Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- [ ] UC-UNIT CLARIFICATION—A labor organization is currently recognized by employer, but petitioner seeks clarification of placement of certain employees. *(Check one)* [ ] In unit not previously certified. [ ] In unit previously certified in Case No. _____
- [ ] AC-AMENDMENT OF CERTIFICATION—Petitioner seeks amendment of certification issued in Case No. _____

Attach statement describing the specific amendment sought.

2. NAME OF EMPLOYER	EMPLOYER REPRESENTATIVE TO CONTACT	PHONE NO
The Bishop of Chicago, a corporation sole	Rev. Francis A. Brackin	787-2315

3. ADDRESS(ES) OF ESTABLISHMENT(S) INVOLVED (Street and number, city, State, and ZIP Code)
211 East Chicago Avenue, Chicago, Illinois 60611

4a. TYPE OF ESTABLISHMENT (Factory, mine, wholesaler, etc.)	4b. IDENTIFY PRINCIPAL PRODUCT OR SERVICE

5. Unit Involved *(In UC petition, describe PRESENT bargaining unit and attach description of proposed clarification.)*

Included:
All full-time lay teachers employed in Quigley South High School and Quigley North High School

Excluded:
All supervisors as defined in the Act

6a. NUMBER OF EMPLOYEES IN UNIT
PRESENT: 41
PROPOSED (BY UC/AC):

6b. IS THIS PETITION SUPPORTED BY 30% OR MORE OF THE EMPLOYEES IN THE UNIT?*
[X] YES [ ] NO
*Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item "a" or "b", whichever is applicable)

7a. [X] Request for recognition as Bargaining Representative was made on April 9, 1974 *(Month, day, year)* and Employer declined recognition on or about April 17, 1974 *(Month, day, year)* *(If no reply received, so state)*

7b. [ ] Petitioner is currently recognized as Bargaining Representative and desires certification under the act.

8. Recognized or Certified Bargaining Agent *(If there is none, so state)*

NAME	AFFILIATION
None	—
ADDRESS	DATE OF RECOGNITION OR CERTIFICATION
—	—

9. DATE OF EXPIRATION OF CURRENT CONTRACT, IF ANY *(Show month, day, and year)*	10. IF YOU HAVE CHECKED BOX UD IN 1 ABOVE, SHOW HERE THE DATE OF EXECUTION OF AGREEMENT GRANTING UNION SHOP *(Month, day, and year)*
Not applicable	—

11a. IS THERE NOW A STRIKE OR PICKETING AT THE EMPLOYER'S ESTABLISHMENT(S) INVOLVED? YES ____ NO ____	11b. IF SO, APPROXIMATELY HOW MANY EMPLOYEES ARE PARTICIPATING?
	—

11c. THE EMPLOYER HAS BEEN PICKETED BY OR ON BEHALF OF _____ *(Name)* A LABOR ORGANIZATION, OF _____ *(Insert address)* SINCE _____ *(Month, day, year)*

12. ORGANIZATIONS OR INDIVIDUALS OTHER THAN PETITIONER (AND OTHER THAN THOSE NAMED IN ITEMS 8 AND 11c), WHICH HAVE CLAIMED RECOGNITION AS REPRESENTATIVES AND OTHER ORGANIZATIONS AND INDIVIDUALS KNOWN TO HAVE A REAL INTEREST IN ANY EMPLOYEES IN THE UNIT DESCRIBED IN ITEM 5 ABOVE. (IF NONE, SO STATE.)

NAME	AFFILIATION	ADDRESS	DATE OF CLAIM *(Required only if Petition is filed by Employer.)*
None			

I declare that I have read the above petition and that the statements therein are true to the best of my knowledge and belief.

By Quigley Education Association, an affiliate of Illinois Education Association
(Petitioner and affiliation, if any)

Edward M. Karish — Uniserv Director/Legal
(Signature of representative or person filing petition) *(Title or Proceedings)*

Address 1-S-132 Summit Avenue, Oak Brook Terrace, Villa Park, Ill. 60181 — (312)495-3250
(Street and number, city, State, and ZIP Code) *(Telephone number)*

WILLFULLY FALSE STATEMENT ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001.

EXHIBIT 2

GPO 873-779

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
THIRTEENTH REGION

Case No. 13-RC-13402
Board Directed

THE CATHOLIC BISHOP OF CHICAGO,
A CORPORATION SOLE, EMPLOYER

and

QUIGLEY EDUCATION ASSOCIATION, AN AFFILIATE OF
ILLINOIS EDUCATION ASSOCIATION, PETITIONER

SUPPLEMENTAL DECISION AND CERTIFICATE OF REPRESENTATIVE

Pursuant to a Decision and Direction of Election issued by the National Labor Relations Board on September 16, 1975,[1] an election by secret ballot was conducted on October 17, 1975, under the supervision and direction of the Regional Director of Region 13, among the employees of the Employer, in the unit found appropriate for the purposes of collective bargaining. The Tally of Ballots which was served upon the parties immediately following the election showed the following results:

Approximate number of eligible voters	47
Void ballots	0
Votes cast for Petitioner	31
Votes cast against participating labor organization	7
Valid votes counted	38
Challenged ballots	1
Valid votes counted plus challenged ballots	39

A majority of valid votes counted plus challenged ballots has been cast for Petitioner.

On October 23, 1975, timely objections to conduct affecting the results of the election were filed by the

[1] 220 NLRB No. 63.

Employer, a copy thereof duly served upon the Petitioner. The objections are attached hereto as Exhibit 1.

Pursuant to Section 102.69 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, the undersigned after reasonable notice to all parties to present relevant evidence, hereby issues this Supplemental Decision.

The Employer's objections do not go to the conduct affecting the results of the election nor to the manner in which the election itself was conducted.[2] It is well established that the Board will not consider objections to an election which raise questions not involving the conduct of the election but are tantamount to a motion for reconsideration of the Board's decision and Direction of Election.[3]

Therefore, the undersigned concludes that the objections are without merit and they are hereby overruled.[4]

Having overruled the Employer's objections, pursuant to authority vested in the undersigned by the National Labor Relations Board, I hereby issue the following:

CERTIFICATION OF REPRESENTATIVE

IT IS HEREBY CERTIFIED that a majority of the valid ballots has been cast for Quigley Education Association, an affiliate of Illinois Education Association and that, pursuant to Section 9(a) of the National Labor Relations Act, as amended, the said labor organization is the exclusive representative of all the employees in the unit set forth in respect to rates of pay,

---

[2] NLRB Field Manual 11390, NLRB Rules and Regulations 102.69(a).

[3] *Morenci Corp.*, 100 NLRB 1114; *William R. Whittaker Co., Ltd.*, 94 NLRB 1151.

[4] Under the provisions of Section 102.69 of the Board's Rules and Regulations, a request for review of this supplemental decision may be filed with the Board in Washington, D.C. This request must be received by the Board in Washington by November 17, 1975.

wages, hours of employment, or other conditions of employment.

UNIT:

> All full-time and regular part-time lay teachers including physical education teachers employed by the Employer at the Quigley North and Quigley South Schools, Chicago, Illinois, excluding rectors, procurators, dean of studies, business manager, director of student activities, director of formation, director of counseling services, office clerical employees, maintenance employees, cafeteria workers, watchmen, librarians, nurses, all religious faculty, and all guards and supervisors as defined in the Act.

DATED at Chicago, Illinois, this 3rd day of November, 1975.

/s/ Alex V. Barbour
ALEX V. BARBOUR
Regional Director
National Labor Relations Board
Thirteenth Region
Everett McKinley Dirksen Building
219 South Dearborn Street—Room 881
Chicago, Illinois 60604

Attachment

Form NLRB-502
(11-68)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Form Approved
Budget Bureau No. 64-R01.1

PETITION

DO NOT WRITE IN THIS SPACE

CASE NO: 25-RC-5084

DATE FILED: 06-04-75

INSTRUCTIONS - Submit an original and four (4) copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.
If more space is required for any one item, attach additional sheets, numbering item accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. Purpose of this Petition (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.)
(Check one)

- [X] RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- [ ] RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employers of Petitioner.
- [ ] RD-DECERTIFICATION - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- [ ] UD-WITHDRAWAL OF UNION SHOP AUTHORITY - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- [ ] UC-UNIT CLARIFICATION - A labor organization is currently recognized by employer, but petitioner seeks clarification of placement of certain employees. (Check one) [ ] In unit not previously certified. [ ] In unit previously certified in Case No. _____
- [ ] AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____

Attach statement describing the specific amendment sought.

2. NAME OF EMPLOYER: Diocesan Department of Education, Diocese of Ft.Wayne-South Bend — EMPLOYER REPRESENTATIVE TO CONTACT: Rev. James Seculoff, Superintendent — PHONE NO.:

3. ADDRESS(ES) OF ESTABLISHMENT(S) INVOLVED (Street and number, city, State, and ZIP Code): Diocesan Dept. of Education, 1103 S. Calhoun St., Fort Wayne, IN 46801

4a. TYPE OF ESTABLISHMENT (Factory, mine, wholesaler, etc.): high schools

4b. IDENTIFY PRINCIPAL PRODUCT OR SERVICE: teaching students of high school

5. Unit Involved (If UC petition, describe PRESENT bargaining unit and attach description of proposed clarification.)

Included: All full-time and regular part-time lay (non-religious) professional faculty memebers, including teachers, liabrarians, guidance, and administrators, and all departmental chair persons who are teachers.

6a. NUMBER OF EMPLOYEES IN UNIT: PRESENT: app. 135

PROPOSED (BY UC/AC):

Excluded: Religious, office clericals, teacher aids (part-time paraprofessionals), cafeteria workers, assistant or vice-principals, business managers, nurses, athletic directors, and guards and supervisors as defined in the act.

6b. IS THIS PETITION SUPPORTED BY 30% OR MORE OF THE EMPLOYEES IN THE UNIT? [X] YES [ ] NO — See Attached

*Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item "a" or "b", whichever is applicable)

7a. [ ] Request for recognition as Bargaining Representative was made on May 20, 1975 (Month, day, year) and Employer declined recognition on or about May 23, 1975 (Month, day, year) (If no reply received, so state)

7b. [ ] Petitioner is currently recognized as Bargaining Representative and desires certification under the act.

8. Recognized or Certified Bargaining Agent (If there is none, so state)

NAME: NONE — AFFILIATION:

ADDRESS: — DATE OF RECOGNITION OR CERTIFICATION:

9. DATE OF EXPIRATION OF CURRENT CONTRACT, IF ANY (Show month, day, and year): n/a

10. IF YOU HAVE CHECKED BOX UD IN "A" ABOVE, SHOW HERE THE DATE OF EXECUTION OF AGREEMENT GRANTING UNION SHOP (Month, day, and year): n/a

11a. IS THERE NOW A STRIKE OR PICKETING AT THE EMPLOYER'S ESTABLISHMENT(S) INVOLVED? n/a YES NO

11b. IF SO, APPROXIMATELY HOW MANY EMPLOYEES ARE PARTICIPATING? n/a

11c. THE EMPLOYER HAS BEEN PICKETED BY OR ON BEHALF OF n/a (Insert name) A LABOR ORGANIZATION, OR (Insert address) SINCE (Month, day, year)

12. ORGANIZATIONS OR INDIVIDUALS OTHER THAN PETITIONER (AND OTHER THAN THOSE NAMED IN ITEMS 8 AND 11c), WHICH HAVE CLAIMED RECOGNITION AS REPRESENTATIVES AND OTHER ORGANIZATIONS AND INDIVIDUALS KNOWN TO HAVE A REPRESENTATIVE INTEREST IN ANY EMPLOYEES IN THE UNIT DESCRIBED IN ITEM 5 ABOVE. (IF NONE, SO STATE.)

NAME	AFFILIATION	ADDRESS	DATE OF CLAIM (Required only if Petition is filed by Employer)
NONE			

I declare that I have read the above petition and that the statements therein are true to the best of my knowledge and belief.

Community Alliance for Teachers of Catholic High Schools (C.A.T.C.H.)
(Petitioner and affiliation, if any)

By: Bruce O. Boxberger — Attorney at Law
(Signature of representative or person filing petition) (Title, if any)

Address: 2100 Fort Wayne National Bank Bldg., Ft. Wayne, IN (219) 422
(Street and number, city, State, and ZIP Code) (Telephone number)

WILLFULLY FALSE STATEMENT ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

GPO

RC-RM-RD

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Case No. 25-RC-5984

ND—TYPE OF ELECTION—RD Direction

DIOCESE OF FORT WAYNE-SOUTH BEND, INC., EMPLOYER

and

COMMUNITY ALLIANCE FOR TEACHERS OF
CATHOLIC HIGH SCHOOLS (C.A.T.C.H.), PETITIONER

CERTIFICATE OF REPRESENTATIVE

An election having been conducted in the above matter under the supervision of the Regional Director of the National Labor Relations Board in accordance with the Rules and Regulations of the Board; and it appearing from the Tally of Ballots that a collective bargaining representative has been selected; and no objections having been filed to the Tally of Ballots furnished to the parties, or to the conduct of the election, within the time provided therefor;

Pursuant to authority vested in the undersigned by the National Labor Relations Board, IT IS HEREBY CERTIFIED that a majority of the valid ballots have been cast for COMMUNITY ALLIANCE FOR TEACHERS OF CATHOLIC HIGH SCHOOLS (C.A.T.C.H.) and that, pursuant to Section 9(a) of the National Labor Relations Act, as amended, the said labor organization is the exclusive representative of all the employees in the unit set forth below, found to be appropriate for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

UNIT:

All full time and regular part time lay (non-religious) professional faculty members of the Em-

ployer's five high schools, including teachers, librarians, guidance deans, moderators of student council and all department chair persons who are teachers, athletic directors;

BUT EXCLUDING all religious, all office clerical employees, teacher aids, (part time para-professionals), cafeteria workers, assistant or vice principals, business managers, nurses, custodians, guards and supervisors as defined in the Act.

Signed at INDIANAPOLIS, INDIANA On the 12th day of SEPTEMBER 1975.

[SEAL]

On behalf of
NATIONAL LABOR RELATIONS BOARD

/s/ [Illegible]
Regional Director
Region Twenty-five
National Labor Relations Board

BEFORE THE
NATIONAL LABOR RELATIONS BOARD
THIRTEENTH REGION

Case No. 13-RC-13402

IN THE MATTER OF:

THE BISHOP OF CHICAGO,
A CORPORATION SOLE, EMPLOYER

and

QUIGLEY EDUCATION ASSOCIATION, AN AFFILIATE OF
ILLINOIS EDUCATION ASSOCIATION, PETITIONER

Room 823, Everett McKinley
Dirksen Building
219 South Dearborn Street
Chicago, Illinois
Tuesday, February 25, 1975

Pursuant to notice, the above-entitled matter came on for hearing at 10:00 o'clock a.m.

BEFORE:

KATHERINE GERSTENBERGER, Hearing Officer.

APPEARANCES:

KIRKLAND & ELLIS, BY DONALD C. MOSS and JAMES A. SERRITELLA,
200 East Randolph Drive, Suite 5900, Chicago, Illinois, 60601, appeared on behalf of the Employer.

EDES and ROSEN, by HARVEY A. NATHAN,
One North LaSalle Street, Chicago, Illinois, 60602, appeared on behalf of the Petitioner.

* * * *

[5] HEARING OFFICER: Is it possible to stipulate that the Quigley Education Association, An Affiliate of Illinois Education Association is a labor organization within the meaning of the National Labor Relations Act as amended?

MR. MOSS: It is so stipulated.

MR. NATHAN: Yes.

HEARING OFFICER: The stipulation is received.

* * * *

[6] * * * HEARING OFFICER: Is it possible to stipulate the following: The Petitioner on April 9, 1974, in writing requested recognition as bargaining agent for the employees in the requested unit. The Employer on April 17, 1974, in writing and orally refused to grant recognition unless and until the Petitioner was certified by the National Labor Relations Board?

MR. MOSS: With the caveat again that it is the requested units, plural. It is fair to say.

HEARING OFFICER: The Petitioner requested recognition in more than one unit?

MR. NATHAN: No.

MR. MOSS: The Petitioner refers to two institutions.

HEARING OFFICER: Oh. I see what you mean.

MR. MOSS: That is what draws my response to that point.

HEARING OFFICER: You are referring to Quigley North and Quigley South?

MR. MOSS: That is correct.

HEARING OFFICER: With that additional information, can [7] you stipulate to what I have previously stated?

MR. MOSS: We can so stipulate.

HEARING OFFICER: Mr. Nathan?

MR. NATHAN: Yes.

HEARING OFFICER: The stipulation is received.

* * * *

[10] * * * MR. SERRITELLA: The Employer would like to move to dismiss the Petition on several grounds. The first ground is that as a matter of policy the Board

does not accept jurisdiction over charitable, religious, eleemosynary institutions, and the two institutions in this case would fall into that category. The second ground is that Courts in this country have traditionally recognized the fact that the ecclesiastical institutions, which are subject to ecclesiastical law, are beyond the reach of the civil law, and we move to dismiss on the ground this would infringe that principle. A third ground is that the assertion of jurisdiction by the NLRB would violate the First Amendment right to freedom of religion enjoyed by the institutions, the Employer and the members of the institutions under the Constitution of the United States and the State of Illinois. The fourth criteria is that the hearing itself, inquiring into whether or not and to what extent an institution is religious, is itself a violation [11] of the institution, the Employer, and the members of the institution's First Amendment rights under the United States Constitution and the Constitution of the State of Illinois, and we would ask that the Petition be dismissed on that ground. And finally, we specifically reserve the rights of the Employer, the institution, the members of the institution under the Civil Rights Act of the United States government and the government of the State of Illinois to proceed against the participants in this hearing for violation of our civil rights at some appropriate time in the future.

* * * *

[24] MONSIGNOR HARRY C. KOENIG,

called as a witness for and on behalf of Counsel for the Employer herein, and after having been first duly sworn, was examined and testified as follows:

HEARING OFFICER: Have a seat. Give your name and address to the court reporter, please.

THE WITNESS: My name is Harry C. Koenig, and my address is the Cardinal Stritch Retreat House, P.O. Box 455, Mundelein, Illinois.

DIRECT EXAMINATION

Q (By Mr. Serritella) Could you spell your name for the court reporter? It has an unusual spelling.

A K-o-e-n-i-g.

Q Monsignor, what is your business or occupation?

A I am a Catholic priest.

Q Are you connected with any particular geographic designation of the Catholic Church?

A I am the Vicar Delegate in Vicarate Number One of the Archdiocese of Chicago.

Q Do you hold any other positions in the Archdiocese of Chicago?

A I am the Director of the Cardinal Stritch Retreat House.

Q What is Vicarate Eight?

A Vicarate One.

Q I am sorry.

[25] A It embraces all the Lake County and western part of Cook County. It is to represent the Catholic Bishop of Chicago in those areas.

* * * *

[30] Q Monsignor, what is a seminary?

A A seminary is a school for the education of priests.

Q Priests. What is a priest?

A A priest is a clergyman of the Roman Catholic Church.

Q When did seminaries begin?

A Well, seminaries began—the word "seminary" comes from the Latin seminarium and it was first used at the time of the Council of Trent. We don't know precisely who used the term for the first time, but several different theologians at that time used the word "seminary" for a school for the education of priests. However, the idea of seminaries goes back to the time of Our Lord.

Q Just let me interrupt you a second. So the record is clear, what was the Council of Trent?

A The Council of Trent was one of the councils of the Catholic Church, and a council is a gathering of

Bishops of the Catholic Church together with the Pope to formulate doctrine and law for the Church.

Q And when did the Council of Trent take place?

A It was called in the year 1545 and closed in the year 1563.

Q Now, please explain how priests were trained before the Council of Trent.

A Well, as I say, Our Lord himself trained his twelve apostles over the three years of his public life.

[31] Q You better explain, Monsignor, what you mean by Our Lord.

A Well, Jesus Christ trained his twelve apostles over the three years of his public life, and the first example we have specifically is with St. Augustine of Hippo who lived at the end of the Fourth and the beginning of the Fifth Century. He gathered a group of young men into his episcopal home and he trained them for the priesthood.

Q St. Augustine was a Bishop?

A The Bishop of Hippo in North Africa.

Q He took the responsibility for the training of priests in his own home?

A In his diocese. He was a Bishop. He was Bishop of Hippo. He took the responsibility for training the men who were going to be priests in his diocese.

Q What sort of training did he give?

A Well, he gathered them together and they were trained, I would say, very much like a doctor or a lawyer was trained in those days, namely by living with a person who practiced that art and learning from him practically and theoretically how he performed his duties.

Q What was the content of the training or education that he was giving?

A Well, it was a content both of the secular and religious education. First of all, the man had to learn how to [32] read and wrote and learn language, and secondly after he learned to read and write and learned his language, then he began to learn the doctrines and practices of the Church.

Q Why was it necessary for priests at that time to have a secular education?

A Well, because if they didn't have a secular education they couldn't acquire a religious education. They had to learn to read and write to begin with.

Q Was there any other reason?

A Well, also to deal with the people that they were dealing with. Naturally if you are going to preach a sermon or communicate with the people of your time you had to have the secular knowledge that these people had.

Q At the time of St. Augustine were bishops permitted to delegate their authority over the training of priests to any outside body?

A No. As far as I know from my studies each bishop had this authority himself and he trained them himself.

Q Why was that the case?

A Well, I would say there was nobody eles to do it except the bishop.

Q What was the next major event in the history of seminaries after this early period?

A After St. Augustine the next event was the founding of the religious orders.

[33] When did that take place?

A In the Sixth and Seventh Centuries, especially with St. Benedict.

Q Could you briefly explain so the record is clear what a religious order is?

A Well, a religious order is a group of men or women who are bound together by three vows of poverty, chastity, and obedience in a ruled life.

Q What is a vow?

A A vow is a solemn promise to God that you are going to practice a virtue.

Q All right. How did the development of the religious orders affect the development of seminaries?

A Each religious order had a mother house where the men themselves were trained in this religious order, and this was a school and some of the bishops sent their men to these religious orders in order to be trained.

Q And what type of training did candidates for the priesthood receive at that time?

A They received both secular and religious training. They learned to read and write and learned the culture and the language of the people of that area, and then they learned religious doctrine.

Q Why did they have to learn secular education in language and in the culture of their time?

[34] A Because they had to deal with the people of their time. Each priest went out and he usually was a pastor of a church, and he dealt with people and he had to know their culture and their language and be able to communicate with them.

Q What was the next major development in the history of seminaries?

A After the Council of Trent it took some while—

Q No, we are speaking now about the Sixth Century and the religious orders. Now, what happened after that, the religious orders in the Sixth Century?

A The next major development, you might say, was the founding of the universities in the Twelfth and Thirteenth Centuries. And the universities were graduate institutions like Bologna and Paris and Oxford, and they had courses of instruction, and some of the men went to the great universities for their instruction.

Q And what type of training was given to the priest at that time?

A Well, it was the same type of training of secular knowledge and religious knowledge.

Q Was their training at these universities completely detached or were they under the supervision of someone?

A Well, at the universities both the religious orders were represented. They had houses and there were other [35] houses for the living quarters of the diocesan priests. You have to make a distinction in the university between a university and a college. A college was not the same as we would call a college today. But were rather a residence for the men studying at the university.

Q Did the bishop have any role in the training of priests at this time?

A Well, there were still bishops who had their own cathedral colleges in their own cathedrals. When they went to the university they were outside the jurisdiction

of a particular bishop except a local bishop of that area. And I would say that if a man went to the University of Oxford and he lived in Cambridge, he would be under the Bishop of Oxford even though, you know, he belonged to Cambridge itself.

Q What was the next point or next event in the history of the development of seminaries?

A Well, it was the Council of Trent.

Q How did the Council of Trent change this prior practice?

A Well, the Council of Trent—

Q Well, before we ask that question, did the Council of Trent issue any legislation with respect to seminaries?

A Yes. In the year 1563 the Council of Trent issued some formal canons on the training of seminarians.

[36] MR. SERRITELLA: Could you mark this as Employer's Exhibit No. 1, please?

(The document above-referred to was marked Employer's Exhibit No. 1 for identification.)

Q (By Mr. Serritella) I show you what has been marked as Employer's Exhibit No. 1 for identification, and ask you if that is the legislation issued by the Council of Trent for seminaries?

A That is, correct.

Q Did this legislation change the practice prior to the Council of Trent of training priests?

A No. It put it into code form, into canon form, so that it was now formalized what had been practiced before.

Q When you said "canon form" what did you mean by "canon"?

A Well, the Church, the decrees of a council has canons and they are paragraphs of doctrine.

Q They are part of an official compilation?

A That is correct.

Q What specifically did the Council of Trent legislate for seminaries?

A The Council of Trent made it an obligation on the part of each bishop to have a school attached to his cathedral for the training of men for the priesthood.

Q And what type of training did the Council require that each priest receive?

[37] A It required that they receive secular learning, such as it mentions here, singing, grammar, computation, but it also required religious education.

Q And why did—

MR. NATHAN: Excuse me. Can I clarify one point? Did you say that the Council said you have to have a school for each archbishop or each bishop? You said "attached to each cathedral".

THE WITNESS: The legislation was for each cathedral, but it specifies in here that if the diocese is too small and cannot afford to have this school, then a group of dioceses can get together and have one school, a regional school.

MR. NATHAN: Thank you.

Q (By Mr. Serritella) Did the legislation of the Council of Trent speak to the power and the authority of the bishop over the training of priests?

A Yes. It made this his exclusive role. He was to determine the curriculum; he was to determine who the professors were; he was to determine the discipline of the training.

Q Did the Council of Trent legislation mandate that the bishop not share his authority over seminaries with any outside institution?

A Yes.

[38] Q And why is that the case?

A Well, the Council saw that this is the obligation of the bishop to train his own men, and he cannot delegate this to someone else.

Q Is there anything about the nature of seminaries that imposes this responsibility?

A Well, the nature is to train the man in true doctrine and true practice of religion, and this is the obligation of the bishop because the bishop is the head of the diocese.

MR. SERRITELLA: Miss Hearing Officer, I would like to move that the reporter strike the identification and that the exhibit be admitted into evidence.

HEARING OFFICER: Is there any objection?

MR. NATHAN: No objection.

HEARING OFFICER: Employer's Exhibit No. 1 is received into evidence.

(The document heretofore marked Employer's Exhibit No. 1 for identification, was received in evidence.)

Q (By Mr. Serritella) Monsignor Koenig, what was the next major development in the history of seminaries after the Council of Trent?

A Well, the first effort was to put this legislation into effect, and many seminaries were started soon after the Council of Trent. The first man who distinguished himself in this regard was St. Charles Borromeo who was the Arch- [39] bishop of Milan who lived at the same time as the Council of Trent, and in France a hundred years later there were several different theologians or founders of religious orders who worked at this pursuit, chief among which was St. Vincent de Paul who was the first man to distinguish between a major and a minor seminary.

Q When did St. Vincent de Paul live?

A He lived in the Seventeenth Century. I believe, if I recall correctly, that it was in 1642 that he founded the first minor seminary.

Q And where did he found that seminary?

A In France.

Q And prior to 1642 there were no institutions called minor seminaries?

A Well, the Council of Trent said that they should take in boys who are 12 years old to train them for priests, and usually a priest was ordained in the middle of his 20's, so there was a school from 12 years of age until 24 or 25, and that was a long time for a student to be in one institution. And so St. Vincent de Paul saw the wisdom of separating the two into what he called a minor seminary and a major seminary.

Q What sort of training was given to minor seminarians at the time of St. Vincent de Paul?

A The training was chiefly in what we might call secular [40] subjects, but it was pointed out that the

chief subject should be religion. But they were taught secular subjects such as languages and history and music and science.

Q Monsignor, there are many unfamiliar terms here. So the record is absolutely clear, could you please give us a brief definition of minor seminary?

A Well, the minor seminary as we understand it in our time?

Q Well, at the time of St. Vincent de Paul.

A Well, it depended upon when a man entered the group, whether he was 12 or 14 or 16, but it consisted mainly in teaching him the secular subjects together with religion, and it was the school that lasted until the time he studied philosophy. When he got to the point of studying philosophy then he went into the major seminary.

Q It was preparatory study, and it was preparatory to the study of philosophy and theology?

A Philosophy and theology, correct.

Q What was the next major development in the history of seminaries?

A The next major development was the founding—the establishment of the Congregation for Seminaries and Universities in the year 1915.

Q Again to make the record clear, would you please explain what a Congregation is?

[41] A Well, the Pope, the head of the Catholic Church, has certain groups of men to handle certain types of business for him. It would correspond, I think, to the Cabinet of our government. So that there are different departments in the Church, and one of the departments is the Department of what we might call Education, and the Congregation that governs the education especially of priests and papal universities is called the Congregation for Seminaries and Universities.

Q Just to make it absolutely clear, this Congregation is an institution at the very highest levels of the government of the Roman Catholic Church?

A Correct.

Q And it is subordinate solely to the Pope?

A Correct.

Q And the Pope is the head of the Roman Catholic Church?

A Correct.

Q And the Congregation for Seminaries and Universities was established in 1915?

A Yes.

Q Would you briefly explain the duties and functions of the Congregation for Seminaries and Universities?

A The duty was to supervise all the seminaries in the world and to see that they reached standards that were set for seminary education regarding the curriculum, the faculty, [42] and the discipline in seminaries.

Q Let me see if I understand you correctly. If a bishop were not doing his duty in supervising and operating a seminary in his diocese would he be answerable for it to the Congregation of Seminaries and Universities?

A Yes, that is correct.

Q How would he be answerable to this Congregation?

A Each Bishop of the Catholic Church is required to make a visit to Rome every five years, and in this visit to Rome he has to go to the different Congregations of the Catholic Church and submit a report, and the members of this Congregation either approve or disapprove of his report.

Q If the Bishop is not doing something in accordance with the laws of the Church, this Congregation will take measures to make sure that he does, is that correct?

A That is correct.

Q We have been using the term "Bishop" frequently in the course of your testimony, and it is another one of those terms which may be unfamiliar, and I would like you to give us a brief definition so that the record is absolutely clear on that point.

A The Catholic Church is divided geographically into dioceses which are geographical territories, and the Catholic Church has one man in charge of each diocese and that man is called the Bishop.

[43] Q What is an archdiocese, since we have already used that term and you said you were a priest of the Archdiocese of Chicago?

A Well, some dioceses are larger in population and in number of catholics than others, and in order to give them a distinction due to their size, the man who is the head of that territory usually is an Archbishop and his territory is called an Archdiocese. And he then has a position of influence with the other dioceses which are in the territory. That is called a Province, the other dioceses now. For instance, in Illinois there is an Archdiocese of Chicago, and there is the Province of the State of Illinois, and you have five other Bishops.

Q That has been very helpful. Thank you.

What was the next major development in the history of seminaries after the establishment of the Congregation for Seminaries and Universities?

A It was the Code of Canon Law which was published in 1918.

Q What was the Code of Canon Law?

A It was all the laws of the Catholic Church gathered together and put in formulation.

Q Was there a Code of Canon Law before 1918?

A Well, there was another one published back in the Thirteenth Century called the Corpus Juris.

[44] Q But this is the first compilation since the Thirteenth Century?

A Correct.

Q Did the Code of Canon Law contain any legislation relating to seminaries?

A It has a special section on that subject.

MR. SERRITELLA: Miss Reporter, could you please mark this as Employer's Exhibit No. 2 for identification?

(The document above-referred to was marked Employer's Exhibit No. 2 for identification.)

Q (By Mr. Serritella) I show you what has been marked as Employer's Exhibit No. 2 for identification and ask you if that is the portion of the Code of Canon Law that relates to seminaries?

A Yes, it is.

Q Did the Code of Canon Law enacted in 1918 change the basic structure of seminaries as it was laid down by the Council of Trent and as it developed after the Council of Trent?

A No, it didn't change the basic structure. It just brought it up to date.

Q Did the Code of Canon Law change the requirement that seminaries give future priests a secular as well as a religious education?

A No.

[45] Q Did the Code of Canon Law change the ecclesiastical and religious nature of seminaries?

A No.

Q They were still ecclesiastical and religious institutions?

A Correct.

Q Did the Code of Canon Law change the duties and obligations of the Bishop with respect to the institution and operation of seminaries?

A No, it just defined it.

Q And how did the Code of Canon Law define those duties and obligations?

A Well, it was the sole obligation of the Bishop to supervise the seminary and to see to its curriculum and discipline.

Q And this was the case since the time of St. Augustine?

A Correct.

MR. SERRITELLA: Miss Hearing Officer, I move that the identification be stricken and that Employer's Exhibit No. 2 be admitted into evidence.

MR. NATHAN: No objection.

HEARING OFFICER: Employer's Exhibit 2 is received into evidence.

(The document heretofore marked Employer's Exhibit No. 2 for [46] identification, was received in evidence.)

Q (By Mr. Serritella) One word of clarification, Monsignor. You explained what the Code of Canon Law was. What is a canon?

A A canon in the Code of Canon Law is a specific declaration of law.

Q If I may analogize to terms we use in the civil law, which are probably more understandable to the people who are studying this record, is it like a section or sub-section?

A Yes. It is a section of law.

Q Thank you.

What was the next major development in the history of seminaries after the promulgation of the Code of Canon Law in 1918?

A It was the Second Vatican Council.

Q And when did the Second Vatican Council occur?

A The second Vatican Council was held from the year 1962 to 1965.

Q And again, so that the record is clear, what is a council?

A A council is a gathering of the Bishops of the Catholic Church together with the Pope to formulate doctrine and discipline and law for the Church.

Q Now, we call this one the Second Vatican Council. We called the other one the Council of Trent. Why do they [47] have different names if they are the same kind of institution?

A Well, councils in the Catholic Church are named usually after the place where they were held, and the Council of Trent was held in the town of Trent in northern Italy, and the Vatican Council was held at the Vatican in Rome.

Q Why do they call it the Second Vatican Council?

A Because there was a First Vatican Council in 1869 and '70 at the Vatican.

Q Did the Second Vatican Council issue any legislation relating to seminaries or the training of priests?

A Yes. In 1965 it issued a special declaration on this subject.

MR. SERRITELLA: Miss Reporter, I ask you to mark for identification Employer's Exhibit No. 3.

(The document above-referred to was marked Employer's Exhibit No. 3 for identification.)

Q (By Mr. Serritella) Monsignor, I show you what has been marked as Employer's Exhibit No. 3 for identification and ask you if that is the legislation issued by the Second Vatican Council relating to seminaries?

A It is.

Q Did this legislation change the prescriptions of the Code of Canon Law for the operation of seminaries?

A No, it didn't change it. It just brought it up to date.

[48] Q What do you mean "brought it up to date"?

A Well, it realized that cultural differences had taken place since the time of the promulgation of the Code, and that these cultural differences should be recognized in the training of priests.

Q Could you give us an example of the changes in culture that you are referring to?

A Well, I would say that one of the principal examples would be the languages that were taught in the seminary.

Q And what languages had been taught in the seminaries prior to the Second Vatican Council?

A Well, prior to the Second Vatican Council the native language was always taught in the seminary, but there was special emphasis on Latin and Greek, and in the present there is more emphasis on the vernacular language than on Latin and Greek.

Q What do you mean by the vernacular and language?

A I mean the native language of those who are studying in the seminary.

Q You testified that the Second Vatican Council did not change the basic structure of seminaries. Does that mean that it did not change the duties and obligations of the Bishop to operate seminaries?

A No. This is still the same. It is the sole obligation of the Bishop to supervise the seminary.

[49] Q Did it change the requirement that candidates for the priesthood be given a secular as well as a religious education?

A No, it didn't change this at all.

Q Did it change the religious and ecclesiastical character of seminaries?

A No. They still remain religious and ecclesiastical institutions.

Q Did it abolish minor seminaries?

A No. It spoke of them and said that they had a special duty in these days.

Q And what was that special duty?

A It was to train young men for the major seminary. so that they would be ready to study philosophy and theology.

Q Monsignor, I have one final question—I am sorry. Miss Hearing Officer, I ask that the identification be stricken on the Employer's Exhibit No. 3 and move that it be admitted into evidence.

MR. NATHAN: No objection.

HEARING OFFICER: Employer's Exhibit 3 is admitted into evidence.

(The document heretofore marked Employer's Exhibit No. 3 for identification, was received in evidence.)

Q (By Mr. Serritella) Monsignor, I have one last question. In your professional opinion as a church historian, [50] are the basic structure and laws governing seminaries, both major and minor seminaries, from the Council of Trent until the present day to which you have testified, still binding on Bishops in the administration of seminaries?

A Yes. These instructions are the most serious obligations of the Bishop.

Q His most serious obligation is the training of priests?

A I believe that is his most serious obligation.

Q And that is in your professional opinion as a church historian?

A Yes.

* * * *

[51] * * * Q (By Mr. Serritella) Does the continued existence and viability of the priesthood depend on the Bishop's fulfilling his responsibility to institute and operate seminaries?

MR. NATHAN: I have no objection to that.

THE WITNESS: Yes is what I would answer to that question.

* * * *

CROSS EXAMINATION

Q (By Mr. Nathan) Monsignor, would you define again for me what a seminary is?

A A seminary is a school for the training of priests.

Q Does it have any other purpose?

A Well, it gives a secular education to young men as well as religious education, but it is for the training of priests.

* * * *

[52] * * * Q Would you again distinguish for me the difference between a minor seminary and a major seminary?

A A minor seminary, as I understand it, is a school preparing a young man to enter a major seminary, and the major seminary is where the young man learns philosophy and theology.

Q What is a seminary high school?

A Well, a seminary high school is a new concept of the last few years in which a seminarian's education is divided into a high school division, a college division, and a theology division of four years, plus four years, plus four years.

HEARING OFFICER: Excuse me. High school, what?

THE WITNESS: College and theology.

HEARING OFFICER: Thank you. High school is four years, college is four years—

THE WITNESS: And theology is four years.

* * * *

[53] Q (By Mr. Nathan) Would you consider the Quigley schools seminary high schools?

A I would, yes.

Q Would you consider them—in line with your definition would you consider them as minor seminaries as well?

A Well, this is a difficult question. The minor seminary historically has been a course of six years and not four years. And when they divided it up into four years, then it would seem to me that these are high school years for a student for the priesthood. And I think the minor seminary was a larger span of years.

* * * *

[60] * * * A "Since the Mass is the center of Christian spiritual formation, daily attendance is expected of all. Every effort should be made to make this a completely meaningful experience for the adolescent. Music and liturgy should, as far as permissible, be adapted to the particular needs of the group."

Q Now, historically is this something new or is this something that historically has always been the case?

A Historically I would say this has always been the case, that it was something encouraged but not an absolute requirement.

* * * *

[61] * * * Q And who is the Cardinal of the Archdiocese of Chicago?

A Cardinal John Patrick Cody.

Q And would he, even though he is a Cardinal, still be responsible to the Congregation for Seminaries and Univer- [62] sities?

A That is correct.

Q And if seminaries were not being operated in the—according to canon law as set forth in the documents that you have spoken about, plus the Program for Priestly Formation, the Cardinal, would he not, would be responsible to the Congregation for Seminaries and Universities?

A Yes.

Q Now, as a student of those particular documents which have been testified to, is the Archbishop of the Chicago Archdiocese performing his functions correctly in the operation of the seminaries in this Archdiocese?

A I believe he is.

* * * *

[72] REVEREND JOHN R. KEATING,

called as a witness for and on behalf of Counsel for the Employer herein, and after having been first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

Q (By Mr. Sennitella) Father Keating, could you please state your business or profession for the record?

A I am a Catholic priest ordained in 1958 and presently assigned to the Archdiocese of Chicago in the position of co-Chancellor of the Archdiocese.

Q Could you explain for the purposes of the record what a co-Chancellor is?

A A co-Chancellor is an administrative assistant to the Chancellor of the Diocese, and he in turn is a major administrative officer of the Bishop's central governing office.

Q And what are your duties as co-Chancellor?

[73] A I assist the Chancellor in the day-to-day administration of the Archdiocese and also act as canonical counsel to the Chancellor, the Vicar General, and the Archbishop of Chicago.

Q What do you mean by canonical counsel?

A It would be legal counsel in canon law.

Q Do you hold any other position with the Roman Catholic Church?

A I am presently consultant to the United States Bishops Committee for Canonical Affairs.

* * * *

[75] Q In view of your education, your professional background, are you aware of your own knowledge of the Church law that relates to seminaries?

A I am familiar with it, yes.

Q More specifically are you of your own knowledge aware of the canon law as it relates to seminaries?

A Yes.

* * * *

Q What are the sources, the major sources, of Church law governing Seminaries in the Archdiocese of Chicago?

A The major documents that currently affect seminaries in legislation are first and basically the Code of Canon Law, which is the general law for the universal Church which has been in effect since 1918. Subsequent, and if you want to refer locally to Chicago, a document of October 5, 1970; also in 1970 a document emanating from Rome for the universal Church affecting Church seminaries around the world called Ratio Fundamentalis—

[76] Q Could you spell that, please?

A R-a-t-i-o, F-u-n-d-a-m-e-n-t-a-l-i-s.—which was published in 1970 and gives a—gives guidelines to the renewed programs of seminary training. Also in the United States of America there is special legislation that follows upon the Ratio Fundamentalis of Rome the following year in 1971. It is called "A Program for Priestly Formation".

Q Who issued the Program for Priestly Formation?

A The United States Conference of Catholic Bishops promulgated the document.

Q Are there any other major sources of law governing the seminaries in the Archdiocese of Chicago?

A Well, there certainly are what are called encyclicals. Almost every Pope has issued a major document concerning seminaries because seminaries are so important. To name a few: Menti Nostrae, M-e-n-t-i, N-o-s-t-r-a-e, Pope Pius the Twelfth, 1951; Princeps Pastorum, P-r-i-n-c-e-p-s, P-a-s-t-o-r-u-m, Pope John Twenty third, 1959.

Q Did the Second Vatican Council issue any legislation relevant to seminary training?

A Yes, it did. It issued a decree on priestly formation, one of the 16 major documents coming out of the Second Vatican Council, and that document was promulgated in 1965.

* * * *

[79] * * * Q Again directing your attention to the first paragraph of Canon 1354, what is your legal opinion as to the duties that canon imposes on the bishop?

A Well, primarily it imposes the obligation of establishing a seminary in each diocese. This particular canon, strictly speaking, refers simply to that aspect of the establishment of seminaries, not the supervision of them, which comes later in the law.

Q I direct your attention to the second paragraph of Canon 1354 and ask that you read that paragraph for the record.

* * * *

[80] * * * Q Directing your attention especially to the words "letters and sciences", aren't these boys training to be priests and shouldn't they only be studying religion?

A No, that is not correct.

Q What is not correct?

A The fact they should only study religion. They must have an education, a high school education which is on a par prevailing with the degree of culture with their situation at this place and time.

Q And the mandate in this paragraph that the minor seminaries should give an education in letters and sciences refers to that fact?

A Yes. And this, of course, was expanded in great detail in subsequent documents.

* * * *

[83] * * * A Well, the law clearly prefers that there be not only major seminary training but also minor seminary training. This particular law refers to the larger dioceses at least, or especially the larger disoceses, should have minor seminaries. The preference of having minor seminaries was again expressed more recently by Pope John Twenty-third, the Pope who convened the Second Vatican Council. When he was writing about the missionary endeavors of the Church he, in 1959, went beyond what this particular law called for and called for the establishment of a minor seminary in every missionary diocese of the Church knowing that the growth of the Church largley depends on its seminaries.

Q Is it your legal opinion then that the optimum, prescribed training for a Catholic priest begins in the

first year of the minor seminary and ends with the last year of the major seminary, but that exceptions are made so that a person can begin this training at a later date, but those exceptions are not so extensive as to eliminate the requirement of seminary training entirely?

A That is correct. The preference is stated in the Law.

* * * *

[86] A It reads: "In every seminary there must be a rector for the government of the house, professors, an economus," E-c-o-n-o-m-u-s, "distinct from the rector for the administration of the temporalities, at least two ordinary confessors, and a spiritual director."

Q What is a rector?

A The rector is the chief officer of the seminary who discharges the responsibilities of the bishop in the seminary.

Q Does the bishop have authority over the record or does the rector have authority over the bishop as it relates to seminaries?

A The rector is directly responsible or answerable to the bishop.

* * * *

[89] * * * Q I direct your attention to Canon 1363 —which is Paragraph 1206 in our translation—and ask you to read the first two paragraphs of that canon.

A It reads: "The bishop should receive into the seminary only boys of legitimate birth, and of such a character that there is good reason to believe they will perservere and work with success in the ecclesiastical ministry.

Before they are received they must present testimonials of legitimate birth, of Baptism and Confirmation, and of conduct."

Q What does this canon mean by legitimate birth?

[90] A The term here is used from canon law, and it means an offspring of a legitimate marriage which, in turn, means a valid marriage in Church law.

Q What is a testimonial of legitimate birth?

A Usually the document that is preserved in the parish archives concerning the birth and baptism of an infant is sufficient proof.

Q What is baptism or a testimonial of baptism?

A Baptism, of course, is the first of the sacraments, the rite of initiation into the Church. A testimonial of baptism is an authentic certificate issued by the local pastor who is in charge of the local archives.

Q What is the testimonial of confirmation?

A Likewise an authentic certificate issued by the pastor of the place of Confirmation affirming the fact the pastor has indeed confirmed the boy.

Q What is a testimonial of conduct?

A A testimonial of conduct is a reference of good character.

Q What mandate does this therefore give to the bishop in administration of seminaries?

A Well, rather remarkably, it assigns even such things as admission policies and dismissal policies personally to the bishop, and this is an instance of showing how the Church considers seminaries, that the details of the opera- [91] tion of a seminary are entrusted to the bishop.

Q I direct your attention to Paragraph 1207, which is Canon 1364, and ask you to read that entire canon.

A It reads: "In the lower grades of the seminary: first, the religious instruction should occupy the first place, and it is to be adapted to the age and intelligence of the pupils; second, the students should accurately learn Latin and the vernacular language; third, in other branches of study the requirements of the clergy of the respective countries is to be taken into consideration."

Q What is meant by the lower grades of the seminary?

A This refers to primarily the minor seminary.

Q What does Sub-section One of that section mean?

A Naturally since the aim and function of this particular institution is to prepare men for priesthood and a religious life, religious instruction has primary value.

Q What does the portion of that Sub-section that refers to the age and intelligence of the pupils mean?

A It is just basically a statement of good pedagogy.

Q Could you explain what you mean by that statement?

A Well, good education takes into account the age of the student and the intelligence of the students, so that the method of teaching and the content are gauged accordingly.

Q Could you read Paragraph or Sub-section 2 of that para- [92] graph to yourself and explain what duties that imposes on the seminary?

A It is a reminder that the learning of language and verbal skills is important, especially the learning of Latin.

* * * *

Q What is immorality or offenses against Catholic [93] belief?

A I am sure you don't care for examples of immorality.

HEARING OFFICER: I wouldn't mind a few examples.

THE WITNESS: You are saying what is immorality? To act contrary to the moral law is immoral conduct, let us say, in general.

Q (By Mr. Serritella) What is the moral law? I am just concerned that the person who has to read this transcript understands the terms that are used, and a brief definition that will help elucidate the text would be helpful.

HEARING OFFICER: Would that encompass any sin?

THE WITNESS: Oh, no. Perhaps you might get an answer from the regulation concerning professors. Moral turpidude would be an offense for which they might be dismissed.

HEARING OFFICER: Off the record.

(Short recess taken.)

HEARING OFFICER: On the record.

The question was basically if you can give us a relatively short definition of what immorality would encompass.

MR. MOSS: Might I just comment at this point, when you speak to the witness it is difficult to hear you when you turn your head.

HEARING OFFICER: Did you hear my question? I merely asked for a short definition possibily of immorality.

[94] THE WITNESS: Immorality in this particular canon refers to serious moral misconduct. And example which has been explicitly stated by the Holy See is, for example, that homosexuality is cause for dismissal.

* * * *

Q I direct your attention to this whole title, Title Twenty-One, of the Code of Canon Law relating to seminaries and ask you if this whole Title Twenty-One applies in every detail to seminaries today?

A This particular law or section of the law, because it is general law, applies to seminaries around the world. Since then, of course, subsequent documents have referred to the method as opposed to the structure of a seminary in up-dating the procedures of achieving spiritual maturity, educational maturity, and for this reason the world program is continually used as opposed to basic structures here in the law.

Q You said, I believe your testimony is, that some things have changed and some things haven't changed. Could you tell [95] us what things have not changed?

A Well, foremost what has not changed is the fact that the responsibility of directorship, the right to establish seminaries, the supervision, maintenance of seminaries, the disestablishment of seminaries is thoroughly and immediately entrusted to the bishop.

Q That is still the case today?

A That is still the case today.

Q Does anything else remain the same?

A Well, I can certainly give you some examples. The aim of a seminary, its purpose, remains the same even in subsequent and most recent documents.

Q More specifically, does Canon 1362, which is Section 1205 in the translation, still have validity today?

A Yes.

Q When you say that these sections have validity today, do you mean that they are binding on the minor seminaries of the Archdiocese of Chicago?

A Yes.

* * * *

[97] * * * Q Is the decree entitled "Decree on Priestly Formation" binding on the minor seminaries in the Archdiocese of Chicago today?

A Yes.

* * * *

[104] * * * Q What is the primary reason for giving secular education?

A The primary reason is to prepare the man later on in the ministry to deal with people in the certain culture. Secondly, there are those who will not achieve ministry, and they should not be ill-equipped to enter into another vocation if they so choose.

Q Directing your attention again to Page 438 of this document, I ask you if the Episcoal Conference of the United States has drafted a program for the training of priests in this country?

A Yes. First, following the direction of this decree, the Holy See in 1970 drew up a basic program of guidelines for priestly formation, which in turn was used as a pattern for the National Conference of Bishops to draw up their particular guidelines of priestly formation applicable to seminaries in the United States. That document came out in 1971.

MR. SERRITELLA: I ask the reporter to mark this as Employer's Exhibit No. 4 for identification.

(The document above-referred to was marked Employer's Exhibit No. 4 for identification.)

[105] Q (By Mr. Serritella) I ask you to read the title on what has been marked as Employer's Exhibit 4.

A "The Program of Priestly Formation of the National Conference of Catholic Bishops, United States of America."

Q On what date was this document issued?

A On January 18, 1971.

* * * *

Q Is this document binding on the Catholics in the United States?

A It is.

* * * *

[106] * * * Q I direct your attention to Page 46 of Employer's Exhibit No. 4 and ask you to read the paragraph on that page designated 202 to yourself, and when you have read it, please let us know so we can ask you questions about it.

A Yes.

Q What duties does this paragraph put on the bishop for seminaries?

A It presumes the norms of the Code of Canon Law in that the bishop is the one to establish and supervise the seminary. This goes beyond, becomes more specific, and places the responsibility of all internal formation programs blanketly likewise on the shoulders of the bishop.

Q This paragraph then is consistent with those portions of the Code of Canon Law, and those portions of the Decree on Priestly Formation which you have previously testified [107] which placed responsibility for seminaries on the bishop?

A Altogether consistent.

Q Do these three documents read together permit the bishop to share his responsibility for the training of priests with anyone outside the Church?

A He is not free to do that.

Q Why is he not free to do that?

A If you recall, from the Code of Canon Law, Canon 1352, it is the proper and exclusive right of the Church to educate the men who desire to give themselves to the ecclesiastical ministry. The right to educate priests is a proper and exclusive right of the Church and cannot be transferred outside the Church.

Q Why is that the case?

A First, it is proper to the Church by the very fact that the Church is a church that it reserves to itself and seeks guarantees to preserve that right to establish and supervise seminaries and to oversee the

formation of men for the seminaries. I think the Church historically certainly has looked upon its control over seminaries as really control over its lifeline. To a great extent, the growth and the vitality, and in some cases the very survival of the Church, depends upon the Church's responsibility over seminaries, the right to operate them.

[108] To give an example to show this intense concern of the Church, in countries where perhaps a hostile government threatens to take control of the seminaries, the Church is quick to seek negotiations at the highest level with that government, and indeed has concluded treaties, called concordats, with various countries. A concordat is a public, bilaterial treaty between the Holy See and the top power of a given country regulating matters of mutual concern and recurrently through concordats, especially now, too, in the Twentieth Century, a recurrent item in concordat agreement is the freedom to operate seminaries, to establish them, to supervise them to control the curriculum, personnel of seminaries.

Q In those corcordats the Church preserves its exclusive right to operate seminaries, is that correct? Is that your testimony?

A It reasserts its rights and seeks to guarantee these rights, especially in places where they are threatened.

Q When you speak of the Church, you are speaking of the Roman Catholic Church?

A The Roman Catholic Church.

Q The same Church of which the Archdiocese of Chicago is a constituent part?

A That is correct.

Q The same Church that operates the minor seminaries in [109] the Archdiocese of Chicago?

A That is correct.

Q Could you give us examples of countries in which such concordats are in effect?

A Well, there are scores of concordats. I can name some recent ones, say, in the last 25, 30 years, perhaps. There are concordats with Rumania, with Poland, Tunisia, France, Spain, Ecuador, Bolivia, Dominican Republic, Italy, to name a few.

* * * *

Q (By Mr. Serritella) Are there any countries hostile to the Catholic Church with which concordats have not been established?

A Oh, yes.

Q Could you give ue examples of those countries?

A China, Peoples Republic of China.

Q And what has happened to priestly education in those countries where there is no concordat and the government intrudes itself into priestly education?

A Priestly training there has been obliterated.

[110] Q How has it been obliterated?

A Through the closing of seminaries.

Q Why have the seminaries been closed?

A By governmental action.

* * * *

[111] Q Why does the Program of Priestly Formation impose special admission requirements on those who want to study to be priests?

A Well, a thorough screening process is here demanded before a student may be admitted into a seminary. The reason, of course, is to ascertain the qualifications of the student, if he has suitability for priesthood.

Q What do you mean by "suitability for the Priesthood"?

A Refers to education, spiritual, sometimes physical requirements that would be needed to be an effective priest.

Q Who sets those education, physical, and spiritual requirements?

A The physical requirements have been set by the Holy See in the Code of Canon Law. The spiritual and academic requirements have been set by a variety of documents from the Holy See and from the U.S. Bishops' documents which you have in your hands.

Q I direct your attention to Page 80 of Employer's Exhibit No. 4 and specifically to Page 300—I am sorry. Strike that.—to Paragraph 352 on that page. I ask you to read that paragraph into the record.

A "Local seminary administrators are urged to consult with parochial and public school officials of the area

so that the seminary courses, as far as possible, may be integrated with the educational programs of the vicinity. [112] Some sharing of facilities and staff between seminary and local high schools may also be advisable."

Q I ask you to read the paragraph designated 353 which immediately follows.

Q "In planning the curriculum, the seminary high school should take into account local or state requirements and the recommendations of state or regional accrediting agencies."

Q So that this portion of our questioning, is complete, I would ask you to direct your attention to Page 82 of Employer's Exhibit 4 and read Paragraph 364 into the record.

A "Approval or its equivalent on a state level shall be required as a minimal condition of operation. Accreditation on the regional level should be a goal of all such schools. In the event that such accreditation is judged beyond the resources of the institution in terms of manpower or money, urgent thought should be given to amalgamation. It should be emphasized that the religious purpose of the high school is no substitute for academic quality."

Q What do these three paragraphs taken together mean?

A They are referring to that section of the Formation which is academic. You might use the phrase "secular education" that is mandatory in the region. This type and quality of education should also be emphasized in the seminary.

* * * *

[114] * * * Q Before we leave the statement of the National Council of Catholic Bishops, I have one further question. You were testifying about concordats. Is there a concordat between the United States and the Vatican?

A No.

* * * *

Q (By Mr. Serritella) I have you what has been marked as Employer's Exhibit No. 5 and ask you if you can identify that document?

A This is a report made by Bishop Grady in the name of the Archbishop, the Auxiliary Bishops, the Vicars Delegate, and the Consultors to members of the faculties of Quigley North and Quigley South, under the date of October 5, 1970.

[115] Q What was the purpose of this document?

A This announced a decision approved by the Archbishop concerning the up-dating of the program of training at the two Quigleys.

Q Was this document prepared in accordance with the Code of Canon Law, the Decree on Priestly Formation of the Second Vatican Council, and the Program for Priestly Formation by the National Conference of Catholic Bishops to which you have previously testified?

A It does. However, it should be pointed out that this pre-dates by several months the Program of Priestly Formation of the National Conference of Catholic Bishops. However—

Q Which document takes precedence then?

A Well, they both apply, one nationally for the national scene, the other locally for the local institutions involved. However, I want to point out although the local document here predates the national document, the chairman of the committee that drew up the national document happened to be one and the same Bishop Grady who is the author of this report, so this is the reason why it is in total accordance with the subsequent document of the U.S. Bishops.

Q What is the legal status of the Employer's Exhibit 5? Is it binding on the seminaries of the Archidocese of Chicago?

A It is.

* * * *

[116] * * * Q How did the document change the admission policy of the minor seminaries of the Archdiocese of Chicago?

* * * *

THE WITNESS: The Paragraph B here under 1 is the innovation in admission policy. Hereafter admission is open to boys who not only have expressed positive determination to pursue the priesthood but also boys who, in the [117] judgment of parish priests have the kind of character and temperament which might lead to the personal discovery of a vocation to the priesthood.

Q (By Mr. Serritella) What does that mean?

A I would say that it means that—the—it is acknowledged that many vocations, at least in the levels, the minor seminary level, are tentative, and one of the aims of a minor seminary is to uncover and solidify a tentative vocation so that it becomes positive and active.

Q I don't understand how your answer relates to that Subsection B.

A Well, according to the wording of this regulation, I would say that interpretation is that as a qualification for admission, enrollment, in the seminaries hereafter a lad need not positively and in a determinate way express pursuit of the priesthood. However, he has the references of the parish priests who are able to state that this particular lad has the fitness to pursue the priesthood, and that therefore he may well discover a vocation to the priesthood during his training.

Q And as a matter of law, would students who do not have the character, ability, and temperament which might lead to a personal discovery of a vocation to the priesthood be excluded from admission to the priesthood?

A They should be according to these regulations.

[118] Q As a matter of law, did this alteration in this document of the admission policy at Quigley change the character of this institution from being that of a seminary?

A No. The structure and nature and function of the seminary remains the same.

* * * *

[120] THE WITNESS: This is a way of restating what has been the Church's awareness always regarding seminaries, that the life of the Church depends upon the life of the seminary. In fact, the term used in the Vatican Council document referring to seminary is that it is the heart of the diocese, that it is the center of vitality and growth and the effective means of pursuing the mis-

sion of the Church in the world. The Church depends upon seminaries as an indispensable vehicle of training.

Q (By Mr. Serritella) And this applies to Quigley North and Quigley South, the minor seminaries of the Archdiocese of Chicago?

A This document does not change the status of a seminary to a non-seminary. The institutions continue to be seminaries, and, as a result, are affected by the subsequent documents of both the U.S. Bishops and the Holy See that deal with seminaries, yes.

* * * *

[124] * * * MR. SERRITELLA: Page 12, Roman Numeral Three, first paragraph.

THE WITNESS: Um-hum.

Q (By Mr. Serritella) How does this relate to the administration of seminaries?

A It speaks of the lay portion of the seminary faculty.

Q What prescriptions does it lay down for the lay portion of the seminary faculty?

A It reminds the lay member of the seminary faculty of the added responsibility of being a part of this particular faculty in the sense that the students are being prepared for the priesthood, and also the lay faculty members are reminded that there is even a result upon the faithful later on who will be served by these particular students whom they are now educating, and this is taken as a great trust placed in the members of the faculty.

[125] Q Is it also a mandate?

A I understand this as rather a reminder of the particular importance of the lay member of the faculty and the influence it has ultimately on the ministers of the Church and the people whom the ministers will serve.

Q The document really puzzles me. How can an institution admit people who do not have an intention to be priests and still be a seminary?

A The seminary is not according to those regulations to admit boys who do not wish to be priests. It does allow admission of boys who, without positive and determined

will to pursue the priesthood, nonetheless have the tentative inclination towards priesthood.

Q Is that consistent with the Code of Canon Law?

A It is.

Q Is that consistent with the decree from Vatican Two?

A It is.

Q How is it consistent? It seems to be directly contradictory.

A No. I mentioned earlier that the priesthood is a rigorous path to achieve, and that the attrition rate is remarkably high. It is understood totally by the Church and by seminary authorities that the vast majority of all the students, even those who from the very first day have an ardent, positive desire to pursue priesthood, never make [126] it. This is quite in accordance with the understanding of the Church.

Q Has this understanding changed from the time of the Code of Canon Law?

A No. It is a perennial fact of life, of seminary life.

* * * *

[128] * * * Q (By Mr. Serritella) As a result of your foregoing testimony and as a result of your expertise as a canon lawyer, I ask you your opinion of what is the essential character of a seminary, a minor seminary, today?

A The reason for the existence of a seminary, the purpose, aim, function of a seminary, is to prepare men for the Catholic priesthood.

Q I ask you what is the position of the bishop with respect to a seminary today, seminaries like the minor seminaries in the Archdioxese of Chicago?

A He operates those seminaries for that same purpose.

[129] Q I ask you, can the Bishop today share his authority over such institutions with any outside group?

A He is not free to transfer responsibility for the operation of seminaries to others.

Q And that is a matter of Church law?

A Yes.

Q I ask you in view of all the foregoing how or why do seminaries today give a secular education?

A It is absolutely presupposed and been underscored again and again in the recent documents that a secular education has to be obtained by a student before we can even begin to think about the added qualifications of priestly ministry.

Q And this is also a matter of law?

A It is absolutely mandated.

Q As a matter of Church law?

A Yes.

* * * *

[133] Q But you do not feel that following those recommendations or the state accreditation authority would be an interference with the delegation of authority, the prohibition against the delegation of authority on the part of the bishop in the operation of a seminary high school?

A The Bishops' law recommends such.

Q Right. So there would be no conflict?

A That's right.

Q So when we say that the bishop cannot share, delegate to any outside body the operation of a seminary, that is, of course, taking in line with the fact that there are certain public bodies that may have standards which the bishop may choose to follow?

A Yes.

Q And in fact, the Program of Priestly Formation recommends that particular course?

A Yes.

* * * *

[160] * * *

MONSIGNOR FRANCIS A. BRACKEN,

called as a witness for and on behalf of Counsel for the Employer herein, and after having been first duly sworn, was examined and testified as follows:

HEARING OFFICER: Please be seated and give your name and address to the court reporter.

THE WITNESS: Monsignor Francis A. Bracken, 1220 West Catalpa.

DIRECT EXAMINATION

Q (By Mr. Serritella) Monsignor, what is located at that address?

A That is the Rectory of St. Ita Parish.

Q What is your business or profession, Monsignor?

A I am a Catholic priest, the Archdiocese of Chicago.

Q Do you hold any position in the Archdiocese?

A Yes. I am the Vicar General, the delegate of the Archbishop for administrative matters.

Q Could you briefly explain your duties in that position?

A As the Vicar General, I am the chief executive or administrative office next to the Ordinary of the Diocese.

Q What is the Ordinary of the Diocese?

A That is an ecumenical term for a man who is the bishop or archbishop of this particular diocese.

[164] * * * Q What is The Catholic Bishop of Chicago, A Corporation Sole? Could you explain the legal designation?

A It is a corporation which is vested in the person of the one who canonically holds the title of Bishop or Archbishop of Chicago and recognized as such the by the State of Illinois.

Q Was that a special act of the legislative?

A This was a special enabling act of the Legislature.

* * * *

[167] Q (By Mr. Serritella) Monsignor, I show you what has been marked as Employer's Exhibit No. 8 for identification, and ask you to read the title on that document.

A "The Official Catholic Directory, Anno Domini 1974".

Q Who published that document?

A It is put out by the Kennedy Company, but the authorization is of the Bishops' Conference of the United States.

Q Does the Archdiocese of Chicago, or The Catholic Bishop of Chicago, appear in that document?

A It does.

Q On what page of that document?

A The complete listing of the Archdiocese of Chicago begins on Page 462 of this issue.

* * * *

[168] * * * Q I call your attention, Monsignor, to Page 174 of that directory.

A Page 174?

Q About a quarter of the way down the page there is a title. What is that title?

A The overall title is "Institutions of the Archdiocese".

Q What is the first sub-title under that title?

A "Seminaries, Diocesan".

Q What are the first listings under that sub-title?

A In Chicago, Quigley Preparatory School North; then Quigley Preparatory Seminary South.

Q Could you please give the addresses of those institutions?

A The Quigley Preparatory, North, is 103 East Chestnut Street. Quigley, South, 7740 South Western Avenue.

Q Are any other institutions listed under the sub-title "Seminaries, Diocesan"?

A Mundelein, St. Mary of the Lake Seminary, and Niles, Niles College of Loyola University. This completes the listing.

Q Are those official seminaries of the Archdiocese of Chicago?

A They are.

Q By their presence in the official Catholic Directory [169] are they officially recorded by the United States Conference of Catholic Bishops and the National Conference of Catholic Bishops as seminaries?

A They are.

Q Are they officially recognized as seminaries by the Catholic Bishop of Chicago, A Corporation Sole?

A They are.

Q Are high schools listed anywhere in that directory?

A Yes, they are.

Q Where are high schools listed in the directory?

A The heading begins on Page 175 and has several divisions, I believe.

Q High schools, you are referring to Catholic parochial high schools?

A Yes.

* * * *

[171] Q (By Mr. Serritella) Monsignor, I show you what has been marked as Employer's Exhibit No. 9 for identification and ask you to read the title on the cover of that document.

A Seminaria Ecclesiae Catholicae.

Q Could you please spell those words?

A S-e-m-i-n-a-r-i-a; next word, E-c-c-l-e-s-i-a-e; third word, C-a-t-h-o-l-i-c-a-e.

Q Who published that document?

A It is published—I will read it in Latin. Sacra Congregatio de Seminariis et Studiorum Universitatibus. Translated it is Sacred Congregation of Seminaries and of Higher Studies and Universities.

Q Is that the—

A This is an official listing of the seminaries.

* * * *

[172] * * * Q I direct your attention to Page 1313 of that document, the bottom of the page. Would you please read the listing that begins at that point?

A I will read it in Latin, and where necessary, translate into English for your benefit.

A "Chicago", which is referred to by the Latin word Chicagiensis, and the date of establishment 28th of November, 1843; the Metropolitan City; and reestablished in 1880.

Q That refers to Chicago?

A As a See, an episcopal see.

Q And the listing under that is?

A Seminarium Maius: followed by the words "St. Mary of the Lake Seminary (Mundelein, Illinois).

Q What does seminarium maius mean?

[173] A Means major seminary.

Q I will ask you to skip the narrative under that title and go on to the next listing under Chicago.

A "Seminarium Minus."
Q Go ahead.
A "Quigley Preparatory Seminary, 103 East Chestnut Street, Chicago, 11, Illinois."
Q What does seminarium minus mean?
A Means minor seminary.
Q There is a long, about a six-line Latin text—
A Which I will translate for you.
Q —below that listing.
A It was established by Archbishop James Quigley in the year 1905. In the year 1917 Archbishop, later Cardinal, George Mundelein constructed a new building to which the anem of the second Archbishop of Chicago he placed upon it. The seminary in the year 1926 was enlarged. In the year 1960 through the efforts of His Eminence Cardinal Albert Meyer a new edifice was built to which was given the name Quigley Seminary South because of the site in the southern part of the City of Chicago. And on the 12th day of September, 1962, was opened.
Q Monsignor, are the high school—
A I would like to correct that word. Really it should be dedicated.
[174] Q Thank you. Are the parochial or catholic high schools in the Archdiocese of Chicago listed in this directory?
A They are not.
Q Why not?
A Because they are not seminaries.

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[175] * * * Q (By Mr. Serritella) Monsignor, I show you what has been marked as Employer's Exhibit No. 10 for identification [176] and ask you to read the title on the cover of that document.
A The title reads "U.S. Catholic Institutions for the Training of Candidates for the Priesthood".
Q Who published that document?
A An organization called CARA, which are the letters for Center for Applied Research in the Apostolate, Washington, D.C.

Q Is this organization an official branch of the Roman Catholic Church?
A It is.
Q How is it related to the Roman Catholic Church in the United States?
A It is the research arm for the Conference of Catholic Bishops in the United States.
Q What year was this document published?
A "CARA Seminary Directory, 1974."
Q Are the Quigley North and Quigley South Seminaries listed in this directory?
A They are.
Q On what pages do they appear?
A On Page 21 under listing number 157, Quigley Prep School-North; on Page 22, you have under No. 158, you have Quigley Preparatory Seminary-South.
Q Are the parochial high schools or catholic high schools in the Archdiocese of Chicago listed in this directory?
[177] A They are not.

• • • •

[180] * * * Q Monsignor, now that you have testified as to the composition or the institutions included in the Archdiocese of Chicago seminaries, could you briefly describe the progress of a young man from the earliest years in those institutions to ordinate as a priest so that we know what we are talking about?
A Upon graduation from an elementary school the usual procedure or policy in the Archdiocese for the lad if he desires or has thought of becoming a priest would be to enter one of our two minor seminaries, depending upon where [181] where he lives. He goes through an academic and a formation preparing there. Also he has certain evaluations on the part of the seminary itself. On graduation from the particular institution if he has still the desire to continue, has met the necessary standards of the institution, and has the approbation of the faculty, he would enter Niles College at Niles, Illinois, where he would continue his education at the college level. There would be a more organized, if I might use

the expression, formation program developed. Again he would have to meet the various academic criteria, the progress and character development. He would have to keep his intention of proceeding on to the priesthood, and if, in the judgment of the proper faculty and administrators of the seminary, he would receive approval he would then enter St. Mary of the Lake Seminary at Mundelein, Illinois, and begin the study of theology. This, of course, is a four year program. As Niles, it has a number of different programs. Basically it is theology. At the end of that period, if he has again met the necessary standards, still has the desire for ordination, has the approval of the seminary itself, he enters a petition requesting ordination to the Ordinary of the diocese, and on the proper day he would be ordained to the priesthood in the Archdiocese of Chicago. This is a very brief sketch. There would be many, many things that could [182] be added; in the interest of time I am presenting it in schematic form.

• • • •

Q Does the Archdiocese permit students to enter Niles College who did not graduate from one of the Quigleys?

A There is a policy of admission. It is of course different from those coming from the Quigley Seminaries. [183] First of all, there is an Admissions Board. There is a great deal more evaluation required because it is not known, the character and so forth of the man, his reason for entering. It is not the usual procedure.

Q Is graduation from one of the Quigleys and designation of the student's good standing tantamount to admission to Niles College?

A If the young man graduates from Quigley Seminary, either one of them, and has the approval of the faculty there is no further admissions procedure required, such as would be from a non-Quigley student.

Q Do you know—and I am not sure this is within your knowledge—the percentage of students at Niles College right now that came from schools other than the Quigleys?

A I do not know the exact number. All I could say is a relatively small percentage.

• • • •

[189] • • • Are you familiar with that document, Monsignor?

A I am.

Q Did you participate in the preparation of that document.

A I did.

Q Do you supervise generally the administration of the directives contained in that document?

A I do.

[190] Q And you administer the administration of those directives insofar as it relates to Quigley North and Quigley South?

A I do.

Q Does that document speak to the admissions policy of those institutions?

A It does.

Q Could you direct your attention to the specific portion of the document that speaks to the admissions policy of Quigley North and Quigley South?

A On page 2, as far as the second half of the page, there was a motion that for a one-year experiment there would be a change in the admission policies of the two Quigleys.

Q What was that change?

A The change was that they would accept boys properly recommended and having a sufficient academic ability and moral character in whom there might be a chance or a potential if they did come to the Quigley seminaries they might develop a positive vocation to the priesthood.

Q And such boys were permitted to enter the Quigleys after the implementation of this directive in addition to boys who had a positive desire to be priests?

A That is correct.

Q You testified that this was a one-year experiment. Has the experiment been renewed?

[191] A The experiment has been continuing to the present and has been undergoing very serious evaluation at the present time.

Q Has it been renewed on a year-to-year basis?

A It has.

Q What was the purpose for changing the admissions policy of the Quigley?

A The purpose was as true throughout the entire world that there was a decline in the attendance at seminaries and the recruitment of candidates for the priesthood. It was thought perhaps opening the minor seminaries to a wider choice of boys would help to overcome the trend toward a decline in vocations, and this was on an experimental basis to see what would happen.

• • • •

[216] • • • A What is called Quigley today was founded in 1905 by Archbishop James Edward Quigley and was originally called the Cathedral College of the Sacred Heart.

Q Was the Cathedral College of the Sacred Heart the first minor seminary of the Archdiocese of Chicago?

A Yes.

Q And by "minor seminary" you mean a seminary that gives training at the high school level?

A Yes.

Q Why was the original minor seminary of the Archdiocese of Chicago called Cathedral College of the Sacred Heart?

[217] A That was a custom that was followed in many places. The Bishop usually tried to locate his seminary as close to his cathedral as possible because part of the scheduling of the seminary involved participation in the ceremonies held at the Cathedral and usually wherever it was possible selective seminarians would act and be on ceremonies and as much cases possible they would be part of the choir system of the Cathedral.

It, of course, has reference to a very early development historically, the Bishop, and in the very ancient days following Trent, before even they would actually

conduct their seminary themselves, of course, the Bishop's own church was a cathedral and it was all, you might say, tentatively one complex. Not elaborate perhaps, but I would say there were two reasons, a very ancient one they're working with and studying under the personal supervision of the Bishop and his staff at his cathedral and, secondly, practical advantages from the standpoint of education, being part of the Cathedral ceremonies and music program.

• • • •

[221] Q During this period, 1905 through 1962?

A 1961, basically.

Q I'm sorry. Are you familiar with the curriculum at the minor seminary?

A Yes, I am.

Q Are you familiar with the extracurricular activities?

A Yes, I am.

Q During this period were secular subjects taught the students in addition to religion?

A Oh, yes.

Q Why is that the case?

A Because it's necessary for a complete education or a preparatory education for college work. It would be taken for granted if we require a secular education as part of any education, so definitely we had all the usual subjects that would be common to a college preparatory curriculum.

• • • •

[228] • • • Q You testified as to what was the athletic policy from the beginning until the mid-'60's. Do you know what the current athletic policy is?

A The current athletic policy, beginning about '63, '64, was to engage both in—rather, in an highly-developed physical education program, which would touch all the students, to keep a basic intramural program and then to go into varsity sports, and that is the policy in effect at the present time.

Q Is there anything about a seminary which makes varsity athletics objectionable?

A No, there isn't.

Q Could you explain that answer?

[229] A It's a question of pedagogy, physchology, general outlook on the scene.

In different periods of time and in different stages in our culture, in our academic outlook there have been different viewpoints. It's a question, if you can provide these things, and there are different ways of providing them, certain there's nothing intrinsically wrong.

There has been a shift and I think it is very apparent that in the older seminaries there was the idea of what we call, for the sake of the discussion, a closed seminary idea.

In other words, I think you can see traces of it in this document of October the 5th where it definitely mentioned that there was an overprotective aspect to it, this type of thing, and with the changing and some of the reactions of Vatican II we moved from what was called the philosophy of a closed seminary very broadly into what we could call an open seminary development in which we would allow the seminary to participate much more naturally and openly in the psychology and the various aspects of pedagogy that were taking place on the American scene.

So, with that in mind, it was quite natural that varsity athletics which brings the seminarians into open competition with their peers and the same grade level or [230] school-type organizations would be but a natural development.

There is a great deal of interest in the American scene in athletics, professional and, of course, in the educational institutions and this spills over into an institution such as the seminary.

There's certainly nothing intrinsically wrong with the engaging of seminarians in competitive sports with their peers, other institutions, and the present outlook is that this is a very healthy thing and worthwhile thing.

• • • •

[232] • • • Q Catholic priests are celibate; are they not?

A They are.

Q What does that mean?

A That means that, when they are ordained originally, they took this particular solem promise at the time of the de actna. Now, they take it at the time of de actna. They give up voluntarily the right to be married.

Q Do priests get any special training for celibacy?

A The whole approach to the seminary formation system is to prepare them for this type of life and that is one of the reasons that there is a fair amount of emphasis on athletics. It's sort of an outlet for energy and for interest to help them in their later years.

[233] Q Has the training for celibacy carried on in the minor seminaries from 1905 until the present changed at all?

A Yes, there has been some change, and, of course, it's tied in with shifts in what we say behavioral science and psychology and the church over the years tries to adapt itself and its techniques and its training institutions in accord with the findings that come from other fields of knowledge.

The basic idea that a priest is going to be a celibate doesn't change, but how you prepare and condition a man for that, there certainly are different ways of doing it.

I mentioned earlier that we had the principle of the so-called closed seminary system, and that was in existence; and, when we came over to American from the European seminaries and it was a very vigorous type of existence and psychology.

In the last 15, 20 years the findings of modern psycology, and that has brought out the idea that a priest is going to live in the world; that the adolescent, when he's going to make a commitment to celibacy, should understand very fully what it means in modern life, his training, and the programs that are used in the seminaries should reflect the different thinking.

[234] The end product would be the same, but the means to accomplish it are quickly different and actually are different.

So there were some very restrictive policies when I was both a student and a teacher in the seminary with regard to the social life of the seminarians.

This has been broadened considerably and the changes begin in the early 1960 while I was still in the faculty and we had many, many meetings, and many, many discussions and we had an input from people, phychological disciplines, and some of the documentation, and so forth coming from Rome and some of it's reflected, of course, in the program, the priestly formation that there has to be a shift in this, wanted a more natural infironment for seminarians to develop in.

There was no reason why there could not be mixed social events, and this type of thing, but there should be the pointing out and supervision, and so forth, that goes with it; that the day will come when they must make a decision. Are they going to enter the life of the priesthood with its obligation of celibacy and with a full knowledge of what that means, the giving up of marriage, the right to have children, and so forth, or are they going to decide this is not the life for me, "I don't think I want to live that type of life, I cannot give up that part of me, if you want to put it that way. [235] and so eventually the decision wisely made with their counselors, advisors, district directors, in terms you want to use with them, is made.

* * * *

[240] * * * Q Has this high attrition rate been part of the [241] Archdiocese seminarian system from 1900?

A The present rate, no. There was a better survival rate from entering Quigley to ordination percentage-wise in the earlier years.

The dropout rate, which we are now facing, definitely is much higher, and it is now, however, peculiar to the Archdiocese of Chicago. It's reflected in the seminaries throughout the world according to the studies that we have.

* * * *

[251] Q Do Catholic high schools always have chapels?

A No, they don't. Most of them have. If they have a resident facility for the faculty, they will have what they call a small or tiny house chapel for the religious faculty.

Many of them in no way have what they would call a student-size chapel.

Q Why does Quigley have a student-sized chapel?

A Because the overall purpose, it's a seminary, a place for the training of young men for the priesthood and the religious formation, aspect certainly has very high priority, and this chapel, when it was originaliy built, was gauged to a size where every student attending the seminary could be fitted in for various religious ceremonies.

* * * *

[259] * * * Q Monsignor, has the Archdiocese position on lay teachers in seminaries changed from the early days about [260] which you just testified to the present?

A The basic concept that is good for the students to see lay people and realize that they are very capable, able, and dedicated people has not changed.

The idea of having them or the need for having them has changed somewhat and the early days we definitely had an adequate supply of priests and we would have not been required to use lay teachers in the seminary system.

Today there is a shortage of priests in the Archdiocese and in fact in most diocese throughout the world, and for that reason we have found it more necessary to use lay teachers in our seminary system.

* * * *

[262] * * * Q Monsignor, does Quigley South have a chapel?

A Yes. It was what we call technically a chapel.

* * * *

[263] * * * Q Monsignor, is such a chapel part of the ordinary architecture of a Catholic school in Chicago?

A I would say definitely not.

[271] * * * Q I didn't ask a question yet, Monsignor. Monsignor, who operates the Archdiocesan seminaries?

A Legally it would be the Catholic Bishop of Chicago, a Corporation Sole.

Q And through what intermediaries does he operate the seminaries?

A He operates by the appointment of rectors for each of the seminaries. At the seminary itself, between that there are other facets.

Q Who are the intermediaries between the Catholic Bishop and the rectors?

A I would say the principle one would be the Vica General [272] acting in the name of the ordinary Archdiocese.

* * * *

[274] * * * Q Is the Archdiocese of Chicago School Board the intermediary between the Catholic Bishop and the seminaries of the Archdiocese?

A No, it is not.

Q How are these seminaries administered?

A They are administered directly under the supervision of the Archibishop and in certain areas I collaborate with him as a Vicar General.

Q Why is that the case?

A Because I believe it came out very strongly in ecumenical presentation that the seminaries being internal ecclesiastical schools in the training of the priesthood are a direct responsibility and a personal responsibility of an Ordinary.

* * * *

[276] * * * Q I direct your attention to page 29 of Employer's Exhibit No. 15, to the hearing on that page that reads "Subsidize and Donations," and ask you to explain the entries under that heading.

A "Details of subsidy for the seminary system were for the fiscal year to make up the operating deficit, St. Mary of the Lake Seminary, a million twenty-five thousand; Niles College, $695,000; Quigley North, $193,000; Quigley South, $455,000, for a total of $2,368,000.

Q What is the total subsidy given to Parochial schools in the Archdiocese?

A For this particular year maybe, I believe, 10 or 11 of them, hardship schools. It would be $600,000.

[277] Q How many high schools does that go to?

A That would be, I believe, for this year, I think we subsidize either nine or eleven.

Q Is there such a disparity between the total subsidies given to the seminary and the total subsidy given to the Archdiocesan high schools?

A Well, the basic responsibility of the operation of the financing of the seminaries is tied in with the obligation of the Bishop to have the seminaries to operate them, and they are his particular responsibilities.

He does not have the same responsibility for the regular high school in the Archdiocese and the different type of institutions.

* * * *

[288] * * * Q (By Mr. Serritella) Monsignor, in the course of your testimony today and previously you referred to certain differences in the administration of seminaries and the administration of Parochial schools from the point of view of the Archdiocese.

I would ask you now to testify in a more orderly fashion and perhaps list those differences for purposes of the record.

A There are a number of points involved here. First of all, with regard to the administration, it was pointed out that the rectors are the delegates to the Ordinary for the actual day-to-day operation. The Bishop is held canonically responsible for the operation of seminaries, his seminaries, and to implement this he has begun a series of monthly meetings which I attend ex oficio and which various policy matters, decision, plan- [289] ning, budget presentations, personnel questions, so forth, are all considered. This is a matter of personal involvement. He actually chairs the meetings and these occur with the frequency of approximately once a month.

All four rectors are at each meeting, depending on the particular facets of an agenda. Sometimes the business managers or procurators are also present or other people involved. It's also ex oficio. The priest who takes care of vocational work attends these meetings and acts as secretary.

The Ordinary, therefore, is definitely involved in the operation of the policies, and so forth, for the seminaries. He does this, of course, for no other type of institution

such as the high schools in the Archdiocese. Their work is done, that type of thing is done through the Archdiocesan School Board.

With regard to the financial operations, the actual approval of the budget, the handling of the funds which are involved in the budget are all handled through the physical Office of the Chancery. The employes' checks are prepared and sent out, 99½ per cent of the time I signed those checks.

The vouchers for various items, bills, what have you, are all handled as a part of the bookkeeping. In fact, there is no real bookkeeping at the local seminar- [290] ies. That is all a matter of work done at the Chancery.

We don't do this for other schools. This is just because of the connection of the seminaries' personal involvement of the Archbishop.

* * * *

[291] * * * Q What accounts for this special treatment for the administration of seminaries?

A The fact that by Canon Law he is made responsible for—a Canon Law interpreter, sometimes when he gets into this section of Canon Law, points out that it's really the first obligation of an Ordinary to take care of the seminaries, points out the relationship very clearly, so I don't think there's any question in the Canon Law aspects of it that certainly from what actually takes place here in the Archdiocese of Chicago there isn't any difficulty about making a place that the seminaries have in the Archdiocese and the relationship of the Ordinary to them.

Q Is there any other reason for this special treatment?

A I don't see whether it would be another reason. I think the—first of all, it's a matter of obligation and, [292] of course, the overall reason is to provide priests.

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[304] * * * MR. SERRITELLA: That concludes our direct-examination of Monsignor Bracken, and Mr. Nathan may inquire.

CROSS EXAMINATION

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[309] * * * Q Is a young man who is ordained—strike that, please. If two men are ordained from St. Mary of the Lake and one of them went to or through the Quigleys, one of the Quigleys, but the other one did not, is there anything in canon law which would make the one which did not go through the Quigleys any less of a priest?

[310] * * * A No, there isn't.

* * * *

[335] * * * Q Who developed the curricula at the Quigley Schools?

A The original development is obscured in history going back to 1905. But basically it has been an evolving program reflecting the educational concepts that are developed in corresponding institutions of secular teaching. The men who are responsible for the institutions have taken work in curriculum building. They usually have degrees in the field of education. My own background, I took a course in curriculum building. And usually the work is done through faculty committees where there are major changes to be made; the program is discussed and developed. If it is going to be a major shift, it can sometimes be taken up in committee with the Ordinary there to be sure there are no problems. There are many influences at work. Some indication is given, of course, as you recall, [[336] from the canon law. You have to have the basics of secular education. So it is, you might say, a resultant effect of many influences at work to try and make the educational program, the curriculum, the best available for the particular purpose which is basically college preparatory.

* * * *

[337] * * * Q Now, you mentioned something about the North Central Association and some recent inspections. What are you referring to?

A Both schools are accredited by the North Central Association, and several years ago—because they don't do it every year—the North Central made its usual inspection evaluation of each of the two schools. They send in a team of qualified people in various areas, and then they evaluate the school against the philosophy of the school. In this case this happened to be special schools. So they were evaluated as special purpose institu- [338] tions, namely the seminary aspect of it.

Q Now, you covered a lot of ground there. What is the North Central Association? It is not clear on the record what we are talking about.

A The North Central Association of High Schools and Colleges is a regional accrediting association, voluntary but very predominant in the Midwest, which tries to coordinate educational policies to attain the best possible program, make sure that students are properly prepared for college entrance, things of that type, and it has been in existence for many years. It is highly respected in its particular field.

Q Is it a Church-related organization?

A No. It is an independent organization.

Q Does it evaluate or set standards for other private schools, other than religious-affiliated private schools?

A It is able to evaluate schools both public and private.

* * * *

[344] * * * Q Are the Quigley Schools also accredited by any other non-church affiliated agency?

A You are using the word "accrediation", I presume, in its very technical scense?

Q No. I am using it as rather a general sense. Maybe accreditation does not fully fit.

A They have full recognition from the Department of Education of the State of Illinois.

Q Does the Department of Education of the State of Illinois have any standards?

A Yes, they do.

Q Do the Quigley Schools meet those standards?

A They do.

* * * *

[346] * * * Q (By Mr. Nathan) Are there any standards the School has to meet in order for graduating students to be eligible for scholarships from the State of Illinois?

A I would say the different scholarship programs have different purposes and different requirements. I think that we are talking—basically we keep in the realm of the recognition by the State of Illinois. Public law requires certain basic requirements for graduation, and these, of course, are easily met by the Quigleys.

Q The Quigley Schools do meet those statutory requirements?

A Yes.

[347] * * * Q Do you know what particular varsity sports presently exist at either of the two Schools or both of them?

A I could give a general answer because there are some very minor differences in the programs at the two Schools. They have a varsity basketball, they have it in baseball, they have it in swimming; I believe they also have it—at least in one School—in tennis. They are presently building up in soccer. And I guess I mentioned baseball.

[355] * * * MR. NATHAN: Would you mark this, please, as Petitioner's Exhibit 2 for identification?

(The document above-referred to was marked Petitioner's Exhibit No. 2 for identification.)

MR. NATHAN: I would say for the record as I distribute this that I have physically blotted out the name and the salary of the particular individual who supplied me with this contract. It is not germaine to my questioning.

Q (By Mr. Nathan) Monsignor Bracken, do you recognize the form of this document?

A I do.

[356] * * * Q And would you tell me what this document is?

A This is a contract, a blank form for practical purposes, which is used for the employment of lay teachers at Quigley North and at Quigley South.

* * * *

[357] * * * Does this contract set forth the terms and conditions of employment for teachers at the two Quigley Schools?

A Yes.

* * * *

[358] * * * Q Does this contract also set out the fringe benefits for the teachers that the Corporation provides?

A In general it does.

Q In general it does. How does it do it specifically or not do it specifically?

A Well, it mentioned two fringe benefits among others, namely, the Blue Cross-Blue Shield major medical, and it also makes reference to a pension program. It does not bring in the fact there is a $2,000 life insurance policy during their term of employment.

Q Let us take this. Let's take the life insurance first. Is this a life insurance policy which would cover an employee as long as he was a lay teacher at the two Quigley Schools, either of the Schools?

[359] A It would cover him as long as he is an employee of The Catholic Bishop of Chicago. A Corporation Sole.

* * * *

[371] * * * Q There is also reference in this contract to a pension plan. Is this the same pension plan which would cover other lay employees of the Corporation?

A Yes.

* * * *

[372] * * * Now, there is a health insurance provided in this contract. Is this the same general health insurance provided to other regular, full-time, lay employees of the Corporation?

A Yes.

* * * *

[374] * * * Q Are the lay teachers at Quigley North and Quickley South Preparatory High Schools presently covered by a contract of employment such as this one?

A They are.

* * * *

[375] * * * (By Mr. Nathan) Now, as set forth in Appendix B, which is the last page of this document, lay teachers receive a certain amount of money in addition to their regular salary for participating in or directing various extracurricular activities, is that correct?

A That is correct.

Q Would you just briefly—I don't want to burden the record—but just briefly explain to me how this works? I see a lot of percentages. I see numbers, I-H-S-A, or letters rather, I-H-S-A, for baseball—basketball rather. Explain how this system works.

A Across the top we have 0-3, 4-6, 7-9, 10-12, 13-15. That has reference to the years of experience of coaching or moderating the particular sport or activity. The percentages are based on the master starting salary for that [376] particular school year. The master salary would be $10,000. And for varsity, because the coach is in his first three years for an activity, he would be paid 9 percent of that salary. The following year if the master salary had increased, he would still be in that same category because he would be in the same category, but he would get an increase because the base salary went up. The numbers in front, 22, 18 has reference to the actual number of varsity public appearances. It is based on that rough approximation of responsibility.

The I-H-S-A, the Illinois High School Association, that would be for teams which would be participating in that particular league arrangement and so on down the line. Some of these things are common to both schools, so there were certain general exceptions made because the responsibilities were different. Actually they were supposed to be carried, which recommendation came from the Teachers' Committee at both schools working together investigating, as I understand, what was being done at similar types of institutions.

Q And this Teachers' Committee then made recommendations to the whatever—delegation at the time?

A They funneled them through me, and I took a—set up a process to have them approved.

Q And who was on this Teachers' Committee?

A They were—I don't remember the names. They were committees from two different schools that worked together.

[377] Q Were they lay teachers only?

A They were mixed.

Q Or were they lay teachers and priests?

A A mixed committee.

Q Did this lay committee meet with you for other purposes besides this contract, other than establishing—

A Not this particular committee.

Q But other committees in the past have met with you?

A I have a question or a difficulty with the time period you are concerned about.

Q All right. Within the last five years has any committee of teachers met with you to discuss the terms of this contract, other than the schedule for fringe benefits? To fee—provide input for salary structure and what have you?

A Yes.

Q And who determines the salary structure, or what connection do you have with determining the salary structure?

A I am Executive Officer of the Archdiocese. I, of course, have a superior. The superior works with various committees, financial committees, Board of Consultors, ad hoc committees from the financial world, and so a decision of this type usually involves all these elements. And this particular salary schedule did involve these other groups.

• • • •

[380] • • • There was one other point that I neglected to ask you before, and I apologize for taking this out of sequence. We talked about celibacy and dating and the like. Is dating or heterosexual general relations allowed at Niles College?

A I think we will have to put it the other way around. It is not absolutely prohibited.

Q It is tolerated then?

A Yes. In the lower years.

Q It would not be tolerated at St. Mary of the Lake?

A No.

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[383] • • •

REDIRECT EXAMINATION

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[388] • • • Q (By Mr. Serritella) Let me put the question a different way, Monsignor. At any point in time has the policy of dismissing a student at the Quigleys when that student has ceased showing an interest in or promise for the priesthood changed over time?

A I think I understand your point. There has been —there is a history involved. And the years in which I worked primarily at Quigley and for shortly before I left Quigley it was a policy, and as a result of an agreement with other Catholic high schools, that they would accept students any time from the Quigleys if a student would be dismissed or [389] for good reason wished to drop, depending on the circumstances, either during the year or at the end of an academic year. In fact, at one time there was an actual regulation in the diocese that a boy who came to Quigley and was dismissed was taken into a Catholic high school. That regulation gradually fell into disuse, and a policy, a definitely worked out policy, was developed that a boy would under ordinary circumstances always be allowed to finish his present academic year, and from there came the policy that unless there were problems of discipline or major problems academically he would be allowed to continue at Quigley until he graduated. And that is the policy that is presently in effect, which explains why we have a fairly high graduating class. And then, of course, the decision has been made sometimes as much as two years before of not continuing for the priesthood.

Q Just to pin it down and relate it to my previous question, while the percentage of students who entered one of the Quigleys and went on to Niles College or to the college level remained relatively stable over these years, the percentage of students who entered the

Quigleys and actually graduated from the Quigleys increased?

A Correct.

Q Does the Archdiocese compel students who graduate from the Quigleys to go on to Niles College?

[390] A By no means. The policy is to ask them to consider again what they are doing. So if anything, we put the brakes on.

MR. NATHAN: Excuse me. I didn't hear the last question completely. Could I have that last question and answer read, please?

(Record read.)

Q (By Mr. Serritella) Monsignor, is graduation from one of the Quigleys and designation of good standing tantamount to admission to Niles?

A Graduation from Quigley, is that your question?

Q That is correct.

A That is correct. That is the policy.

* * * *

[393] * * * Q Monsignor, in connection with your testimony about the North Central Association you used certain terms, accreditation and recognition. Is there any other status which a school can have in the State of Illinois?

A Yes. There would be. It was the term which came up in the Bishops' document, "Program For Priestly Formation", and it amounts to the term, as I recall it, approval.

Q What does that mean?

A Approval is meeting the minimal requirements for the operation of the school in this State. In other words, it does not give it any type of prestige value. It merely indicates the State recognizes—and I use that in the technical sense—does consider this particular group is [394] operating as a school, has a number of students. They have a regular day-to-day schedule. They take roll calls. And they are giving some type of informational training. And they are in a building which the State would allow to be used under its Fire Code.

Q Is approval of an institution a pre-condition to its functioning in a State?

A In the State of Illinois it is.

Q There is no—there is no discretion on the part of an institution as to whether or not they should seek approval?

A The State to my knowledge—I deal with the various agencies of the State—they are concerned about a number of things, namely that the institution is giving what is necessary to meet the laws of the State regarding compulsory education, school attendance; that would be one of the laws that would be involved.

Q If you are not going to an approved school you are not going?

A You are not meeting the requirements of the State law on school attendance.

Q Compulsory education?

A Compulsory education.

* * * *

[395] * * * Q How does recognition differ from approval?

A Recognition means that the State actually has an evaluative process of the organization and so forth, but a great deal of their attention is spent on the plant itself, plant facilities, and with regard to the standards that are mentioned in the laws of the State of Illinois. They have certain requirements which must be in your curriculum to be recognized as a school. The law demands it. You have, for instance, certain things about the Constitution; you have certain things about drugs and alcohol which, I believe—now I would have to check to see how they are worded—which I believe have to be in. They have certain minimal requirements for English, but they are not, you might say, concerned with the overall excellence of the school such as another agency would be which is an accreditation agency.

Q Can a school operate if it is approved but not recognized?

A Yes, it can.

[396] Q Is it discretionary with an approved school whether or not to seek recognition?

A Yes, it is.

Q How does accreditation differ from recognition?

A Accreditation is a voluntary asking to be accredited, and with the particular group that we would be working with, the North Central, they have a very elaborate process of self-evaluation which takes many months to go through and takes a great deal of internal organization, committees, and you must file these reports—they are voluminous—and usually it is followed up by a physical inspection of the building and conferences with faculty committees and so forth; even a more detailed study of the certification of your teachers' records; the keeping of records for students; the processes. It is sort of an almost total collecting of information and evaluation on a particular school. Its purpose is for, from the standpoint of the school, it carries with it a great deal of prestige. It also enables a greater communication of students from one institution to another, and having come from such a school it is much easier, therefore, to gain admittance.

* * * *

[402] * * *

RECROSS EXAMINATION

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[403] * * * Q (By Mr. Nathan) You also spoke about approval and recognition. Is Quigley, the Quigley Schools, merely approved or are they also recognized by the State?

A They are recognized.

[407] * * *

MONSIGNOR JOHN P. O'DONNELL,

called as a witness for and on behalf of Counsel for the Employer herein, and after having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Moss) Monsignor, would you be so kind as to state your full name?

A Monsignor John P. O'Donnell.

Q What is your profession?

A I am a Roman Catholic priest of the Archdiocese of Chicago.

* * * *

Q Okay. Could you briefly characterize the nature of your business?

A I am the Rector of Quigley Preparatory School North, the secondary school which is part of the Chicago seminary [408] system educating boys from the 9th through the 12th grades.

Q Now, you have stated you are a Rector. What is a Rector?

A A Rector is the chief administrative officer of the seminary.

Q Okay. What are the duties of a Rector?

A Subject to the policy given to me by the Archbishop of Chicago, I coordinate all the efforts of our school, academic, guidance, extracurricular, all the concerns of the school toward accomplishing this goal.

* * * *

[410] * * * Q Would you like to describe for us briefly the content of that which you teach?

[411] A The course I am teaching now is a course given to seniors. It is a course in which we begin to bridge the gap between teaching of religion and the teaching of theology. In other words, what they have been accepting on the authority of their teachers and elders as they have been youths is now carried over through into embracing this with the reasons behind the teaching which they have accepted under this authority, so that we introduce them to the philosophic system which underlies the theological tenets they have previously embraced.

* * * *

Q Is religion a required subject at Quigley?
A Yes. All four years, five days a week.

* * * *

[412] Q (By Mr. Moss) What kind of institution is Quigley North?

A Quigley North is a preparatory school whose purpose is to attract the kind of student who has the potential for the priesthood, give him an enriched Catholic secondary education, so that hopefully a good number of the entering freshmen will be attracted to pursue the studies for the priesthood at a later date.

* * * *

Q Could you tell us, please, in your professional opinion as a Catholic priest and as the Rector of Quigley North what the reason for the existence of Quigley North is?

[413] A It is the only successful way we have found to recruit a priest to serve the Archdiocese of Chicago.

* * * *

[415] * * * Q (By Mr. Moss) Does the minor seminary of which you are Rector offer courses in secular education?

A Yes, we do.

* * * *

[416] * * * Q Is there any distinctive form your accreditation takes?

A Yes. We are accredited as a school of special purpose.

Q What is a school of special purpose?

A It is distinguished from a comprehensive high school which serves a general area and must take in all the students who apply and then build its curriculum to adapt to the students who apply. On the contrary, we accept students only of a special category as they fit our purpose and our curriculum, rather than the other way around.

[417] Q Does the special accreditation relieve you of any obligations which other high schools have imposed upon them in terms of curriculum?

A Yes.

* * * *

[423] Q Now, as long as we are on the subject of where you draw your students from, can you tell us if a non-Catholic child would be admitted to your institution?

A No, he would not.

Q Why not?

A He doesn't qualify in the most basic essentials of our admissions policy. He is not in any sense of the word a potential candidate for the priesthood.

MR. MOSS: May I just have that answer read, please?

(Answer read.)

Q (By Mr. Moss) Do you know if other parochial high schools in the Archdiocese in Chicago admit non-Catholic children?

A Yes, they do.

* * * *

[424] * * * Q Do you receive applications from students seeking to gain admission to Quigley as a preparatory school?

A Yes, we do.

Q Are they regularly accepted or are they accepted at all, if you know?

A They are not accepted at all.

Q Why not?

A Because they don't fulfill the basic requirements of our admissions policy.

Q Which are?

A The student must have potential for the priesthood.

I took your question to mean that these were students who were just seeking secondary school education but they were not Catholics.

Q You took my question correctly.

Let me just expand on that a moment. What if they were Catholic children, males, in this instance just seeking secondary education. Would they still be accepted or not [425] accepted?

A They would not be accepted.

Q Again for the same reason?
A Same reason.
Q Now, there has been ample testimony to the fact that you have both a religious and secular curriculum, is that correct?
A Right.
Q Would you be so kind as to describe both curricula since you are responsible for them? Take them separately.
A Yes. The religious curriculum requires each student to study religion five days a week all four years he is in the school. The secular curriculum requires him to study English all four years, mathematics for two years, science for one, history for one, the same foreign language a minimum of two years. In addition to that—that is the core—in addition to that there are a number of electives he can choose in the Liberal Arts curriculum.

• • • •

[429] • • • Q Who conducts these religion classes?
A Priest faculty.
Q The lay faculty have any relationship to the religious education program?
A Yes. They help. They are very valuable in the help they give, frequently on a voluntary basis in addition to their assigned teaching classes.
Q But it is in addition to their assigned classes?
A Yes. We don't have any lay teachers teaching religion.
[430] • • • Q (By Mr. Moss) Monsignor, what is an Apostolic program as it relates to Quigley North?
A The Apostolic program as it relates to us refers to the program in which your students do voluntary service work. We encourage them to begin from freshman year to spend the equivalent of one hour a week in voluntary service, in helping with the sick, the poor, the handicapped, tutoring children, things like that. Some of our students go to Veteran's Hospital—Administration Hospital, rather, which is in the neighborhood of one afternoon a week. They do simple things like pushing wheelchairs, carrying trays—

Q I don't think we need to know what they do in the hospitals.
Does the Apostolic program bear any relationship to the liturgical schedule or does it tie into that program in any way?
A Yes. It is a carryover because the purpose of the school is to help students graduate to identify themselves with a life of service, and in the liturgical observances they see the reason for such service, and the Apostolic program is proof they are accepting the convictions from their religious instructions, carrying them over through [431] service to their fellow man.
Q How does that tie in with the basic philosophy of Quigley North?
A Well, the priesthood we think of as the ultimate life of service. If the student is realistically moving towards that goal he has to give proof of it in the developmental period that he is more than a self-centered human being.
Q What are the catechists?
A The catechists are the students whose Apostolic program is centered in teaching catechism largely to underprivileged children in the nearest—near north side.
Q What is catechism?
A Catechism is the method of teaching religion at the elementary level.

• • • •

[432] • • • Q Was there a specific objective with the design of this liturgical program?
A Yes. The liturgy is essentially a teaching means as well as a formal worship, and as a teaching means we hope to develop the student's own personal Faith so that he will upon graduation come to a mature awareness, appreciation, of his Faith with a vital, quite an adult commitment to it.
Q How does that fit into the philosophy of your institution?
A Well, we want all the graduate students to have a very [433] mature appreciation of their Faith and commitment to it. We want particularly that proportion

who is going to apply to the seminary college and be approved for it to be outstanding in that respect.

• • • •

[434] • • • Q (By Mr. Moss) Monsignor, are there any admissions requirements for students at Quigley North?

A Yes, there are.

Q Would you be so kind as to tell us what they are?

A The student who applies to Quigley North has to come with the recommendation of the Pastor of the parish in which he lives and the Principal of the school at which he is attending. The Pastor and the Principal have to attest to the fact that this student does have potential for the priesthood. Specifically, this means that first of all he has to come from a stable family background where he has grown up in a wholesome environment such as would produce an emotionally stable personality. Secondly, he has to have given some kind of evidence in his grade school experience of being an unselfish person who at that level of development already has given signs of being social-service oriented. He has to be intellectually endowed to the level he is [435] achieving at least at grade level so that he predictably is going to be a successful college student and capable of doing graduate work beyond that since the expectancy would be that ultimately he would be studying theology. He has to have professed the Catholic Faith to the extent that he has proved that it is of value to him and that his perserverence is an indication that his personal beliefs should be taken seriously. Now, if the Pastor and the Principal can support the boy's application through this kind of recommendation, if he passes our admissions testing, we accept him as a freshman.

Q Are there any other kinds of records which a potential student must present to be able to be admitted to Quigley North, the institution which you administer?

A Yes. Backing up these qualifications by way of proof we require that his intellectual competency be supported by records from the grade school; his physical ability to be supported by medical records from a recent

physical examination; that his membership in the Catholic Church be supported by baptismal and confirmation records; and that this later be supported by the marriage certificate of his parents, all this beginning a cumulative file which lasts for the twelve years he hopefully will be spending in our seminary system.

Q I would like to direct your attention to two portions [436] of your answer. One: why must he present a certificate of marriage of his parents?

A There is a canonical requirement derived from canon law which requires you have legitimate birth. We establish birth by his parents' marriage certificate on file.

• • • •

[452] • • • Q Would you just briefly state why it is you were accredited by both institutions? That is, the State of Illinois, Superintendent of Public Instruction, and North Central Association, so we will be clear on the record?

A It is simply a matter of prestige. For many years, we had only the recognition by the State of Illinois that was quite sufficient for our purposes.

Q Those purposes are what I am interested in.

A Those purposes are chiefly to make sure we are at least abreast of the ordinary education provided for the population of the State of Illinois, and, secondly, that our graduates would be so recognized when they would leave our schools and gain admission to the colleges of the region as having come from a duly recognized school.

• • • •

[454] Q • • • (By Mr. Moss): Monsignor, you have before you what has been marked for identification as Employer's Exhibit 28. Would you tell us what that is, please.

A This is the recommendation form for a boy applying to enter Quigley North.

Q Is it required this recommendation form be filled out by all persons applying to Quigley North?

A Must be filled out by the Pastor and the Principal of the applicant.

Q Pastor of what?

[455] A The pastor of the parish from which he applies and the principal of the school from which he applies.

Q Why do you require a pastor's recommendation?

A Because we are looking for more than the boy who is academically able. We are looking for the boy who, in addition to being an able student, is also a person who has the kind of character, ability and temperament in which an interest in the priesthood is likely to be awakened during his secondary school years.

And we rely, for that evaluation of the boy's character, upon these two people operating in their professional capacity as his pastor and principal.

Q Now, looking at the exhibit, itself, is there anywhere recited on that exhibit the reason or purposes of the recommendation?

A Yes. It implies it in all five of the categories.

Q I direct your attention to the first paragraph of the exhibit, the purpose of Quigley North.

A That is a very succinct statement of the kind of boy we are looking for.

Q What kind of boy is that?

A Well, first of all, the boy who is already interested in the priesthood as an adult goal, or, secondly, the boy in whom it is likely that this interest might develop during adolescence.

[456] Q Do you know if a similar form or identical form is required by an ordinary parochial high school in the Catholic Archdiocese of Chicago?

A It is not required.

* * * *

[461] * * * Q Okay. Now, Monsignor, are there any special testing procedures used to gain admittance to Quigley North?

A Yes, there are.

Q Could you describe them.

A The student comes with two recommendations; one from his pastor, one from the principal. They already certify that the boy meets the requirements of becoming a student in our school.

In addition to that, we give him an academic testing which lasts about three hours, which we then use as corroborative evidence that the boy is, indeed, what the pastor and principal [462] says he is.

MR. NATHAN: Would you read back the last answer?

(Answer read.)

Q (By Mr. Moss) Are those tests given in any special time or time difference from other tests given in the parochial system?

A Yes. They are given five to six weeks earlier than the Catholic secondary schools in the Archdiocese.

Q Are they the same tests?

A Similar.

Q How are they different, and why are they given earlier?

A Well, they are different in the sense that we simply use a—it is a standardized test given by, prepared by a commercial firm.

We give one that is not generally used, so that it will not be in conflict with the one given later by the other schools. We give it six weeks earlier so that we have the preference in searching out the students who are particularly the kind we are looking for, and, of course, a great number of those who apply are not accepted.

Sometimes it runs as high as 30 or 40 percent.

These students have to be advised of this fact that we cannot accept them, and then they have time, after being so advised, to take the test for an ordinary Catholic high school the second Saturday in January.

[463] Q Then you use a different test so that they won't take the same test twice?

A Yes. This is of deference to other schools who give us this privilege, because we are a specialized school, and in the way of rendering a courtesy to them,

we try to make sure we don't expose the general testing they are going to use.

* * * *

[464] * * * Q (By Mr. Moss) Monsignor, how many faculty members do you have?

A We have 18 full-time faculty members.

* * * *

[485] * * * Q Now, have you ever dismissed a student from Quigley [486] North before he graduated?

A Yes, we have.

Q What reasons, without being too terribly specific in terms of identifying, what reasons led to the dismissal?

A The reasons that would lead to his dismissal would be those that would convince us that he was out of place in our school.

Q Out of place, how?

A Out of place either academically, which would be indicated by the fact he could not be successful in our clergy, or curriculum, or out of place in terms of character and personality. That he neither had the aptitude for a person whom we would find suitable in aspiring to the priesthood, or else his character was such as to be disruptive of the general good order of the school and hindering our accomplishing of our purposes with the general run of students.

Q Let me ask you this: Have you ever dismissed a student who had an adequate academic performance who it was felt was not a good candidate for the priesthood and dismissed him for that reason?

A Yes, we do that every year.

* * * *

[489] * * * Q Now, when did Quigley North become a four-year school, if you can recall?

A In 1961. September, 1961.

* * * *

[498] * * * Q (By Mr. Moss) Monsignor, do your students take any standardized college admission tests?

A Yes. They are required to take the American College Testing tests.

Q Now, American College Tests, all students take that?

A Yes, they do.

Q Do they take any other tests?

A A number of them voluntarily will take the Scholastic Aptitude Test, the College Entrance Exams, board division of that.

Q Do they take the PSAT?

A Yes, they do.

Q Would you tell us what that is?

A That is the test taken in the year earlier given mostly to junior students. It is called the Preporatory Scholastic Aptitude Test, which will be a predictor of [499] how they will do in the college entrance test.

Q Are all these tests required?

A The PSAT is required of the juniors, the ACT test is required of the seniors, the SAT test is not required of seniors, but many of them take it voluntarily.

* * * *

[502] * * * Q Why is your ratio of counselors so high?

A Well, the nature of our school we have to be sure not only of the student's academic ability, but we have to be constantly evaluating him, seeing whether or not he is moving along in terms of character and personality growth to be a student for further study for the priesthood.

This requires a great deal more study.

Q Do you have a formation department?

A Yes, we do.

Q What is it?

[503] A The Formation Department is concerned mostly with the giving of religious instructions and the development of the student's character and personality according to the lines outlined in our philosophy and objectives that we expect him to adopt and live up to Christian values and extraordinary degrees as we earlier described.

Q Is the Formation Department part of your counseling or in addition to it?

A It is in addition to the Counseling Department. Counseling Department is largely reacting and evaluating to the student. The Formation Department is largely building up, hopefully developing the kind of student who is going to favorably pass the scrutiny of the Counseling Department.

• • • •

[504] • • • Q Do the parochial high schools have a Formation Department?

A No, they do not.

• • • •

[507] • • •

CROSS EXAMINATION

• • • •

[514] • • • Q Now, you teach Theology Four, is that correct?

A Yes.

Q That is for seniors?

A Right.

Q Is there a course Theology One for freshmen?

[515] A Yes, there is.

Q Theology Two for sophomores?

A Yes.

Q Theology Three for juniors?

A Yes.

Q Are there any other courses in theology?

A No.

Q How many days a week do Theology One, Two and Three meet?

A Five.

Q Has it always been five days as long as you have been rector?

A Yes.

Q How long are each of those classes? How many minutes per day?

A Forty-five minutes.

Q Now, in addition to those courses, how many other courses does the average or typical student take in his freshman year?

A Five.

Q Now, would those—so that a student would have six forty-five minute classes during the day?

A Normally.

• • • •

[517] • • • Q Would you review for me the courses that a freshman is required to take in addition to the Theology One?

A English, social studies, mathematics, foreign language, music, physical education, did I mention social studies?

• • • •

[518] • • • Q (By Mr. Nathan) Let us go to the second year.

What are the required courses in addition to [519] Theology for second year students, sometimes called sophomores?

A He has to take English, he has to take mathematics, and he is given opportunities to take an elective from there on.

• • • •

Q What electives are available for second year students?

A Social studies, foreign language, an individually guided education program which is so complicated.

Q Does he receive credit for that course?

A Yes, he does.

Q What field would it be in?

A It is inter-disciplinary, combines science, art, language, social studies.

Q What science is available to a second year student?

A Biology or advance biology.

[522] • • • Q What about music?

Are any music courses available to a second year student?

A Yes.

Q What courses in music are available to second year students?

A Well, the music course is largely one of appreciation and enjoyment, rather than production of music.

* * * *

[523] * * * Q Let us go to the third quarter.

What courses are required for third year students other than Theology or Religion?

A The Theology course and the English course, physical education are required.

* * * *

[524] * * * Q Now, let us go to the electives. In addition to that, a student would select three others and gym, three other courses; is that correct?

A And gym you said?

Q Yes?

A As distinguished from physical education?

Q I am sorry, physical education?

A Yes.

Q So that now those three might come from science, math, social studies, language, art or music; is that correct?

A Right.

Q Now, let us start with science.

What science courses are available for the third year student?

A Chemistry or advanced biology.

Q By third year, will all students have taken the regular biology course?

A Yes.

[525] Q There is not yet a physics course introduced at Quigley, or is that only for fourth year students?

A It will be offered in September.

Q In the math department, what math courses are available to the third year students?

A Advance algebra, trigonometry, pre-calculus, calculus.

Q Or geometry if he hasn't already taken it?

A Yes.

* * * *

Q In the social studies department, what courses are available to third year students?

A Well, they are world culture courses, Latin American History.

Q Plus the specialized courses available through that individual instruction program?

A Right.

* * * *

[526] * * * Q Now, what courses are available to third year students in the field of art?

A Next year it will be three dimensional. It ranges annually according to the need. It can go all the way from sketching through ceramics, to three dimensional.

Q In the field of music, would it be the same courses for the third year that you discussed in relation to the second year?

A Yes, it would be.

* * * *

Q For the fourth year students, physical education, English and religion is required?

A Yes.

Q Now, does he have a choice in the English Department [527] in his fourth year?

A Yes.

Q Would you give me—name those choices?

A Well, they come down to—really one is a composition course, the other is a college level English course which is largely a study of literary forms.

Q Is that in addition to the basic English course, or those the only two courses that the senior student would be offered in English?

A Those are the two which most of them would be choosing if they had not had one of the other courses earlier, however, which is predominantly taken by a junior. He could pick it up at that time.

Q In the field of math, what courses are available in addition to those courses you have named for earlier years?

A That is it. They go as far as calculus.

Q Is there a difference between calculus and pre-calculus?

A Yes, there is.

Q You mentioned pre-calculus before. For the fourth year student, there would be calculus without the pre; is that correct?

A Yes.

[528] Q And would trigonometry and analytic geometry be available?

A Trigonometry is analytic geometry, and normally is not.

Q Is analytic geometry offered in the school?

A It has been, and can be taught depending on the number of students interested in it. If you get enough to make it economically feasible, it can be taught.

Q In fact, is it not true that groups of students can get together and request the teaching of a particular course?

A Yes, they can.

Q Now, in the area of social studies, are there any other courses not previously mentioned which are available to forth year students?

A Yes; psychology courses, urban problem courses.

Q You say psychology courses and urban problem courses; are there more than one in each of those fields?

A Not in the same chronological year, but can differ from year to year.

Q Could you name the courses that have been offered in these two years?

A Yes. In the psychology course one year it can be general introductory psychology, and another it could be social psychology or group behavior patterns.

[529] The course in urban problems can take a different emphasis, depending upon the teacher. A teacher can teach an urban problem course in which he concentrates largely on Chicago's urban problems.

Another teacher might teach it in terms of urban problems not only in American cities, but also in South America, European cities as well.

Q Now, in the sciences, I believe we have already covered biology, advanced biology and chemistry.

Are there any other science courses available?

A Yes. There is a general science course available to freshmen who do not begin their foreign requirement until the second year.

Q Is that introductory physical science?

A Yes.

Q Any other science courses offered?

A No. Biology and chemistry is it.

* * * *

[535] Q Now, in the North Central Association 1972 report, the school was commended for college offerings in English and social studies from visiting professors, and advance placement programs in English and math.

Would you please explain what college offerings in English and social studies you have now, and that you had at the time this report was made?

A Yes. The English and social studies are college level courses. The English course is taught by a visting professor from the City College system of Chicago, and the credit is granted by the City College.

The social studies course is taught by a priest from Niles College, and the credit is granted by Niles College.

Earlier we had advanced placement courses which differ in the sense they are not taught by an instructor from another college, but they were taught by our own faculty. There is no audit or anything of college credit attached to those courses, but at the end of the course the student, if he chooses, takes an advance placement examination, and the results of that place him on the scale. Those scores he can then report to the college of his choice, and the colleges then interpret those scores as they will.

They grant or do not grant college credit depending on their own philosophy.

* * * *

[541] * * * Is there a Driver Education Program?

A Yes.

Q Would you tell me about that, please?

A The City of Chicago provides for an instructor to come in and give the first part of the Driver Education Program, which is theory of driver education.

The students can take that part of Driver Education in our school. What is called "Behind the Wheel Training," we do not provide.

* * * *

[543] * * * Q How many labs do you have in the school?

A Four. We have two science labs, one language lab, and one mathematics lab.

* * * *

[545] * * * Q Is there one central library in the school?

A Yes, there is.

* * * *

[552] * * * Q Now, what varsity sports does Quigley North participate in? By "varsity," I mean intermural sports?

* * * *

[553] * * * I am interested in sports activities where the students from Quigley North compete against students from other schools, by that I mean, intermural or varsity?

A Okay. Basketball, baseball, swimming and track?

* * * *

And in the participation in these varsity sports, do they sometimes compete with non-parochial schools?

A Yes.

Q Is there any varsity swimming program?

A Yes.

* * * *

[556] * * * Q Now, there is a year book at the school, is there not?

A Yes.

Q Is there also a student newspaper?

A Yes.

Q Is there a literary magazine of any kind?

A Not this year. There has been.

Q There has been?

A Yes.

Q Can you tell me is there a band or chorus at the school?

A Yes.

Q And when I said "band," I also meant orchestra as well. Is there a separate orchestra?

A No.

Q Is there a school play?

A Yes.

Q Is it one school play each year put on?

A Yes.

* * * *

[559] * * * Q (By Mr. Nathan) Now, how many times a week do you have special liturgies?

A At least one every day. There are so many possibilities of groups having liturgical services, that I couldn't keep track of them.

Q When you say "one every day," I am not talking about the regular 8:00 o'clock mass, I am talking about in addition to this.

In addition to the regular 8:00 o'clock mass, which is offered, how many special liturgies are offered per week?

* * * *

[562] * * * Q (By Mr. Nathan) The retreats now, as I understand it, there is a three-day retreat for juniors and seniors, is that correct?

A Right.

Q There is one in the fall and one in the spring or just one per year?

A One per year.

Q Now, the freshmen and sophomores have a single day retreat?

A Sophomores have two days, freshman have one day.

Q That is in the school?

A Not necessarily. It can be in the school, sometimes it is at another location.

Q Now, you also mentioned that most parochial schools do not have chapels, is that correct?

A That is right.

Q Some parochial schools do have chapels, do they not?

A Not the size that would accommodate the student body.

Q Some parochial schools do have chapels, do they not?

A I can't think of one.

* * * *

[566] * * * Q Now, going back to the liturgy programs, do you know whether or not parochial high schools ever celebrate mass in an auditorium of any kind?

A Yes, they do.

Q Is it a less valid mass because it does not occur in a [567] chapel?

* * * *

[590] * * * HEARING OFFICER GERSTENBERGER: On the record. This is a continuation of Case No. 13-RC-13402.

I had a few questions of Monsignor O'Donnell, and then I will turn him over to Mr. Moss for redirect examination.

* * * *

[592] * * * Q Now, we have had quite a bit of testimony already as to liturgies, and I don't want to beat a dead horse; but let me ask you one question: If you know, how many liturgies are required at Catholic parochial high schools; do you know?

A I think our first problem with that would be defining liturgies. That word would have many definitions. Do you want to go into that?

Q I believe you defined it before, is that correct, when you first testified?

A I am not sure. Let me try briefly to do it again, okay?

Q Yes.

A A liturgy can range anywhere from the strictest sense of the word, which is the sacrifice of the Mass in the Roman Catholic terminology. It can go from that all

the way down to a very informal group in what we call shared prayer.

Two or three individuals praying together and reflecting their own reactions to ascriptural reading. All of these—and there is a big spectrum in between those two extremes—all of these are popularly referred to as liturgies.

Q I see.

A Now, possibly in repeating your question, you could give me an idea of that spectrum, I could respond more accurately.

[593] Q Well, let us stick with the formal Masses. If you know, how many Masses are required at Catholic parochial high schools?

A Some have none, none required. Some would have two or three during the year where what we call Holy Days of Obligation coincide with school days. Some schools on those days prefer to have a Mass within the school day so the students attend there, rather than their parish churches. Some schools feel that is not a good idea; they should always be in their parish church; so that varies a great deal from school to school.

* * * *

[598] * * * Q (By Mr. Moss) Monsignor, could you just give us, for purposes of enlightening us all, a couple of other examples of kinds of programs, Apostolic programs, that other students engage in?

A Yes. They are both the organized and the unorganized.

Q Let's take some examples from both categories. First, the organized?

A From the organized, there are those who help at St. Joseph's Hospital, Columbus Hospital, Those who teach catechism at St. Aloysius parish.

The unorganized are those who work primarily through their own individual parishes. We encourage this to keep the [599] contact of the student with his own parish priests and the school from which he originated, so from there he might be teaching catechism, he might be tutoring, he might be doing even maintenance work around his

parish church, he might be helping a neighbor on a consistent basis.

Q Let me ask you this just for the purpose of getting an idea of the extent of the programs. How many students do you have?

A 276.

Q In the organized and unorganized programs, if you know, how many of the students participate in the Apostolic program?

A I would say most of them; but since they are adolescents and not yet fully responsible human beings and their service will wane, enthusiasm will be short-lived. They have to be jacked up and returned to it. And to get the fixed figure in dealing with adolescents is a futile attempt.

* * * *

[612] * * * Q If there has been any increase in the liturgical schedule at all, would you please explain to us what that increase has been and why it has occurred?

A We are back to the problem of the spectrum again of liturgies. These things can be going on in different forms all the time with the small religious group instructions that, as I mentioned earlier, 15 or 16 students in the sections.

Q Are those called formation Group liturgies?

A Yes, they are.

Q Why are they called that?

A Because it is part of the student's training, part of his formal process under the supervision of the priest who has this group at his instruction group.

Q Why, for the purpose of clarity, is the term Formation used?

A Because it is a developmental thing of the student's [613] personality, character, his own faith experience so that he arrives at a level of faith commitment.

We invest a great deal of manpower into this, because it is very expensive, as you can see, to have a teacher for 15 or 16 students.

Q Now, formation, at least in my mind, implies there is a model towards which you are trying to form. Is there a model for the Formation Department?

A The model is the teacher himself.

Q Who is the teacher?

A That is why we have a priest there, because that is the heart of our operations. You have a highly select student body who are very influential on each other.

You bring them into contact with the model influence of the priesthood, and this is that our adolescents learn not through theory, not through speculation, not through the rational approach of ideas, but by the human contact with that person who is a priest.

And by his working with them, worshiping with them, playing with them, talking with them, visiting with them, socializing with them, they come to know him intimately, and he knows them.

This is really the heart of what makes our school a seminary.

Now, this kind of liturgy can go on a very informal [614] situation, very small situations going on all during the day, every day of the week. I don't even know when all these things are going on, I just know that they are.

As a matter of fact, earlier in the hearing, I referred to the fact—or maybe it was off the record, that I went to visit a classroom one day just casually and walked into a Seder Service. It is a Jewish term. It was the students were learning that our Christian Holy Thursday is actually a development of the Jewish Passover Feast.

This is a very beautiful thing happeing. I sat there and participated in the whole thing. Had I not just been casually visiting classrooms, I wouldn't have been aware of that in the office; so when you ask me how many liturgies are going on in a particular week or day, I can't say.

* * * *

[635] * * * Q When you referred to the many liturgies that go on, you included in this definition, did you not, what is sometims referred to as paraliturgies?

A Yes.

Q These would be liturgies where there is no math—excuse me, strike that.

That is where there is no communion?

A That is not accurate.
[636] Q Where am I inaccurate?
A To answer that question, I would practically have to give you a course in theology.
Q Strike the question, I will begin again.
Is there communion at a paraliturgy?
A There can be.
Q Is there always?
A No.
Q Is there communion at all of the liturgies that you were referring to?
A No.
Q When you were referring to these groups that you sometimes walk in on, are these groups the classes in Formation?
A Yes, they are.
Q Are these the classes that meet once a day, five days a week?
A Yes, they are.

• • • •

[641] Q Now, in what we have now come to know as paraliturgies, you testified that communion was not offered at all those liturgies; is that correct?
A That is right.
Q Is the fact that communion is not offered significant, and does it detract from the liturgy, itself, where it is not offered?
[642] A No, it is just a different kind of worship.

• • • •

[644] • • • REVEREND JOHN F. FAHEY, being called as a witness on behalf of the Employer, after having been sworn, was examined and testified as follows:

• • • •

DIRECT EXAMINATION

Q (By Mr. Moss) Father, you have given your home address, tell us what that is?
A That is the address for Quigley South, or residence for Quigley South.

Q For this record, Father, what is your profession?
A I am a priest of the Archdiocese of Chicago.
Q You are an ordained Catholic Priest?
A I am an ordained Catholic priest of the Archdiocese of Chicago.
Q What is your business address?
A My business address is the same, 7740 South Western.
Q What is the official title of that business?
A I am rector of Quigley Seminary South.
[646] MR. MOSS: Can we stipulate that he serves ad nutum to the ordinary of the Archdiocese?
MR. NATHAN: Absolutely.

• • • •

[650] Is the purpose of Quigley South the same as the purpose of Quigley North?
A Yes, sir.

• • • •

Father, would you briefly describe for us the curriculum of Quigley South?
A Quigley South, as a secondary school, has a curriculum that is comparable to other secondary schools in the State of Illinois.
It is a curriculum that is limited to college preparation, college preparatory subjects, so it does not include, therefore, courses of study that would be considered terminal; and, of course, it includes the religious education that we would want young men to have as they develop an interest in the priesthood.
Q So you offer both secular and religious education?
A Yes, sir.
Q Do you offer religious education on the same schedule as Quigley North, that is, five days a week?
A No, no. Our Formation Department developed its own schedule, you know, with my approval; but they have developed a program which permits them to meet with students three times a week, but in smaller groups.

• • • •

[653] * * * Q Are you the largest seminary high school in the United States?
[654] A Yes.

* * * *

[659] * * * Q Now, has there ever been an occasion when this form having been completed, there has been a very strong recommendation that the child is unsuited for the ministry?
A Yes, sir.
Q Would that child, or was that child accepted to Quigley South?
A No.
Q Do you see what I am driving at?
A If, in fact, under this fourth category if a pastor checks "Seems unsuited at this time."
Q Then goes on on the next page to explain why?
A Right. My usual course of action is to go back to the pastor and inquire directly as to the reason for this, unless from the total record, his reasons are obvious.
Q But assuming he has a decent academic record, would you still refuse him?
A Yes, sir.
[660] Q Has such an occasion ever happened?
A Yes, sir.
Q On more than one occasion?
A Yes, sir; almost every year.

* * * *

[684] * * * Q Then you better tell us what you have.
The Formation Program, what is it designed to do and—
A The Formation Program strikes at the very central purpose of the Quigley South program. We are interested in boys who are religiously strong, who can become, hopefully, priests, and yet we accept them at the early age of 13 or 14. And so together with their parents and their pastors, we have to help them to grow up to develop a conscious spirit [685] of generosity, sense of self confidence in the hope that the priesthood will become, for a good number of them, a reality.

The Formation Program, therefore, is more than just religious education. It is not just about religion. It is an effort to help a young man to mature religiously.

* * * *

[686] * * * How is the religious education structured at Quigley South in terms of classwork and the more formal aspects of its religious education?

* * * *

A Religious education is basically a classroom experience with the use of textbooks, and film strips, and what other kinds of teaching materials the religion teachers think appropriate.
Q Is it a required subject?
A Yes, sir.
Q Four years?
A Yes, sir.

* * * *

[687] * * * Q How many days a week is it taught?
A The religious education program ordinarily is a three day a week program.
Q Why three instead of five?
A The Formation Department chose this organization of their time, because it permits assembling the students in smaller groups. Secondly, it gives better opportunities, they think, for them to do private counseling.

* * * *

[688] * * * Q Now, how many minutes a day do the children take religion at Quigley South; is it three days?
A He is assigned to a class experience three days a week.
Q How long is that class experience?
A 45 minutes.

* * * *

[693] * * * Q What is the level of involvement of the student body in the Apostolic Programs?
A I think that in the senior year each student spends three months in some kind of service project, so it is a required part of the program for a number of years.

Q You also have a retreat program?
A Yes, sir.
Q Would you describe that?
A The retreat program is most intensive at the junior and senior levels. Students are taken from school, they visit a retreat house.
[694] Q Where is the retreat house?

* * * *

What is a retreat house?
A A retreat house is a center where people can go to reflect upon their religious convictions and share with one another their ideas and some of their problems.

* * * *

Q And juniors and seniors are required to go on retreat?
A Yes, sir.

* * * *

[696] * * * Q Father, are you—is Quigley South accredited by any accrediting institutions?
A Yes, sir. The North Central Association, secondly, the State of Illinois.
Q And how long have you been so accredited? If you recall?
A I believe it was 1966 that the North Central Association membership was sought by the State of Illinois for many, many years.

* * * *

[697] * * * Q Father, in very, very collapsed, bare essential form, if you can, would you tell what the benefit to the institution and to the students is of a North Central Accreditation?
A North Central Accreditation is an evaluation of an educational program. It is an evaluation that is sought by almost all good private and public schools.

* * * *

THE WITNESS: The instructions that have come from the [698] American Bishops have been that all seminary programs are to seek appropriate accreditation from their local and state agencies. The reason for this

is to assure that the education at every level given to men who are going to be priests ultimately will be an education that fits them to serve in a position of church leadership.

Accreditation is just one guarantee that such an education is being provided.

It also serves a course for a basis of attracting students to come to come to Quigley South, and it serves as a form of encouragement and self-evaluation for the faculty members who every seven years have to go through a process of self-evaluation.

We momentarily come to a consensus about the purpose of the institution. We recognize explicitly what it is that we are about. And in our case, for example, it was an opportunity to see not only that we were an academically oriented school, but a church associated school and a ministry school.

North Central does not define such purposes, it merely challenges each individual institution to define for itself its purposes.

Q Contained in the body of your answer was a reference to the American Bishops—
A Yes, sir.
[699] Q —requiring accreditation and something to the effect of—I am not sure I am paraphrasing it correct—accreditation prepares men to be effective priests.

Presumably, the two are interrelated, and I would like you to tell us why and how?

MR. NATHAN: Objection. I object to the form of the question, it is completely leading. He can just ask him what is, or why is, or something like that. It need not be preceded by a speech.

HEARING OFFICER: As I said earlier, I am not going to restrict leading questions. I think the answer would clearly have more weight—

MR. MOSS: Would you like me to rephrase the question?

* * * *

[729] Q Have you ever dismissed a student on the basis that his potential for the priesthood was not developing?

[730] A Yes, sir.

Q Any instance where you have dismissed a student because of a lack of vocational interest where his grades and discipline and anything else that relates to his standing in the school in good order?

A Yes, sir. Ordinarily there will be kind of an overflow in the student's life, because after all it is just one boy; so academic problems become discipline problems and so forth, but in a few instances a student who was not in any academic problems and was not really a discipline case, I dismissed him from the school because of his lack of interest in and response to our vocational approach.

* * * *

[733] Q Let me ask you this: You ever receive, or have you ever received applications from the area surrounding Quigley South from non-Catholic children seeking admission?

A Yes, sir.

Q Do you know what the reasons for those applications are?

A When parents are simply—or students are simply looking for another high school, then I don't accept them.

Q What is that?

A The particular purpose we have is to encourage and support vocations to the priesthood. When I get phone calls, you see, that don't come directly through pastor's recommendations, my ordinary response is to say we are not an ordinary high school.

[734] Do you understand this is a seminary high school?

Often the applications never get to the written stage at all. The interest is clarified and rejected even over the phone. Most of those inquiries come to me directly on the phone.

Q Is that the school's policy in the event you don't have a phone call?

A Yes, sir. I try to fend off as many of them as possible, and say to people, remind them it is a seminary.

* * * *

[745] * * * In an off-the-record conversation between counsel, we have agreed to the following stipulation which I will read into the record.

The number of boys who graduated from Quigley South and who are now attending St. Mary of the Lake Seminary are as follows: 22 boys in the class of 1978; 17 boys in the class of 1977; 20 boys in the class of 1976; 20 boys in the class of 1975.

The 1974 ordination class had 18 boys from Quigley South, and the 1973 ordination class had 20 boys from Quigley South.

I have a second stipulation regarding athletic teams.

HEARING OFFICER: Let's see if the first stipulation is acceptable.

MR. MOSS: Now, the classes referred to as the classes of '78, '77, '76 and '75 are ordination classes?

MR. NATHAN: Yes, those are the class years at Mundelein.

MR. MOSS: Therefore, the individuals in question would have been in the class of 1975, almost twelve years removed from the beginnings at Quigley?

MR. NATHAN: That is correct.

MR. MOSS: With that understanding that the figures go forward, we will stipulate to those figures.

[746] MR. NATHAN: Okay.

HEARING OFFICER: The stipulation is received.

MR. NATHAN: A second stipulation, the number of boys attending Quigley South whose names appear on eligibility lists for the current school year, for the following sports activities are: cross country team, 30 boys; golf team, 11 boys; varsity soccer, 26 players, 5 managers; sophomore soccer, 25 boys; freshman soccer, 25 boys; freshman swimming, 22 boys; varsity swimming, 27 swimmers, 1 manager; varsity wrestling, 26 boys; freshman and sophomore wrestling, 36 boys; varsity basketball, 15 players, 5 managers; sophomore basketball, 13 boys; freshman basketball, 19 boys; hockey, 36 boys; varsity tennis, 12 boys; freshman and sophomore tennis, 12 boys; varsity track and field, 23 boys; freshman and sophomore track and field, 48 boys; varsity baseball, 19 players, 3 managers; sophomore baseball, 16 boys; fresh-

man baseball, 17 players, 2 managers; bowling all four grades, 48 boys.

* * * *

[747] * * * MR. MOSS: With the understanding that some of the boys listed for one team or another might compete on a second team, so that we don't get a total of all those boys each being separate individuals, we would agree that the numbers are correct.

MR. NATHAN: I would agree to that.

HEARING OFFICER: Stipulation is received.

* * * *

[748] * * *

CROSS EXAMINATION

* * * *

[761] * * * Q (By Mr. Nathan) At this point you realize, do you not, Father, that many of the boys that go to Quigley South will not choose to go to Niles College; is that true?

A Yes, sir.

Q Are you concerned about the education for those boys who do not choose to go to Niles College?

A Yes, sir.

* * * *

[778] * * * Q Do you agree, sir, now on this day with the statement that Monsignor Lyons made at some earlier time that he would be satisfied if a boy comes to Quigley with a vague interest in the priesthood, a vague intention or desire to become a priest; would you agree with that statement?

* * * *

THE WITNESS: Are you asking me whether I would be agreed with that degree of commitment, if I would accept that degree of commitment?

Q (By Mr. Nathan) Yes, now?

A Yes, sir.

Q You would?

A Yes, sir.

Q Would you agree that a boy would be acceptable as an admittant to Quigley South even if he did not have a vague intention to become a priest, but he had a potential to raise that vague intention, and that potential was supported [779] by a recommendation by his parish priest?

A That is our policy, sir.

Q Thank you. So that a vague intention to become a priest is not necessarily a qualification for admittance to Quigley South?

A At this time?

Q At this time.

A That is correct.

* * * *

[780] * * * Q Do you have courses in psychology and sociology at Quigley South?

A Yes, sir. I think they are part of college level program that is available to some of our students.

Q Do the teachers who teach those courses teach on a regular part-time basis at Quigley South?

A Unless I am mistaken, those teachers are not employees of ours. They offer a program under the direction of the Chicago City Colleges.

Q Do they come into Quigley South to teach their courses?

A Yes, sir.

Q And students who successfully complete the course work for those courses receive college credit in the Chicago College System, is that correct?

A That is if those are the course you are referring to. I don't have our course of studies in front of me at this time.

Q Now, is there a driver education program?

A Yes, sir.

[781] * * * You give courses in calculus, English and history where students can take advance placement exams?

A On the basis of instruction given at our school, [782] students register for advance placement exams and often get credit for it, yes; sir.

* * * *

[785] * * * Q Do students who attend Quigley South occasionally attend summer school programs at other schools other than Quigley South?

A Yes, sir.

Q If they satisfactorily complete the course work in those courses, do they receive credit at Quigley South?

A Yes, sir.

Q Do those schools have to be Catholic-affiliated schools?

A No, sir. It would be impossible to find enough Catholic schools even to offer the program.

* * * *

[794] * * * Q Now, are you familiar with the social guidance program being instituted by Sister Helen Marshall?

A In the most general terms.

Q Why don't you tell me what those most general terms are that you have an understanding?

A Sister Helen, I think, is working with students in their senior year who seem, who have not expressed an interest in going on to Niles.

They have made up their mind not to go to Niles, and it also seems they are not really interested in going to college. And so as part of her guidance function, she tries to prepare [795] them for the kind of decision they will have to make in June or July after graduating.

* * * *

[796] * * * Q Do recruiters or persons representing colleges come to Quigley South to speak with the students?

A Yes, sir.

* * * *

Are some of these representatives representatives from schools other than religious-affiliated schools?

A Yes, sir.

Q Are there recruiters from the United States Army Services come into the school?

A Occasionally.

* * * *

[804] * * * What I really want to know at this point from you, what my question was directed towards, the particular programs that go on at the retreats; because I think the word "retreat" might not be familiar with those who read the record.

I would like to know, if you could tell me, some of the types of activities that the boys engage in? The scheduled activities that the boys engage in in a retreat.

Let me say this as a point, it is not, is it, all prayer and all conducting of masses; is that correct?

A That is correct.

Q It is, in fact, a somewhat informal occasion; is that correct?

A That is correct.

Q With that in mind, could you tell me some of the types of activities that a boy is involved in by way of example at a retreat?

A The kinds of experiences would be to break the group into pairs and give two boys really a responsibility of going off by themselves and talking to each other about some kind of problem they have, or hope that they have, or some specified task that leads them to open up to someone else.

Now, that occurs several times usually in the course of a retreat, or a group of people may be assigned to a task.

[805] One task might be to prepare a liturgy, one task might be to prepare entertainment for after dinner, some kind of task that the retreat designers think would be appropriate and constuctive.

There is a considerable effort to build bridges between students to let them recognize that they don't have to be afraid of one another, to find ways for them to hear that they are accepted and supported by their classmates.

Q Is it primarily a character-building sensitizing experience as opposed to an experience to receive training in theology?

A The first.

Q Are there such activities like moment of truth? Do you know what I mean by moment of truth?

A Yes, sir. I don't know if the National Labor Relations Board does.

Q That was my next question.

Would you explain to us what moment of truth means?

A Moment of truth, as I have experienced it, is the invitation to students to stand or sit before their colleagues and to listen to the comments, to let other students say to them what they would like to say.

It is an experience that is fraught with anxieties and yet is often one of the most rewarding sorts of things, because students hear from people they didn't think knew them [806]—all sorts of encouragement and approval and acceptance.

Q It is an encountering among students, is it not?

A Yes.

Q There is a certain closeness achieved among the boys during this—strike this.

There is both a psychological and spiritual closeness that is achieved during this retreat experience?

* * * *

[862] * * * Q Now, you said retreats are essentially a religious experience. Your use of the word "religious" was a broad—in a broad sense, was it not?

A (No response)

* * * *

[869] * * *

FATHER JOHN F. FAHEY,

having been previously sworn, was examined and testified further as follows:

DIRECT EXAMINATION

* * * *

[871] * * * Q How does the department chairman either recruit or interview potential faculty members, how does he go about that?

A When it becomes apparent to us that there will be an opening in the department for the next year, the department chairman comes to my office and gets the file of the teacher applications.

* * * *

A Well, the chairman is more familiar with the particular position that is open, the particular gap that has come into [872] that department, so the chairman is looking for certain qualifications within a special teaching specialization.

So, the chairman looks through these applications and contacts the people who seem to be the most likely candidates.

* * * *

A After he contacts them, he learns whether or not they are still interested, whether they have found another position in the meanwhile; and ordinarily, I think interviews these applicants himself, and on the basis of that preliminary screening, then makes a recommendation to me that he would like me to see, to talk with these two or three or four candidates.

* * * *

A So then I get in touch with this candidate, this applicant, and set up a meeting, and it usually involves three interviews; one with myself, one with the dean of studies, and one with the chairman of the Formation Department.

[873] Q Are these three separate interviews, or could they be conducted by three people at the same time?

A We ordinarily do it separately.

Q Okay, then what happens?

A These interviews last fifteen minutes, twenty minutes perhaps, and then ordinarily the three of us will meet together and usually, or more often than not, with the department chairman, and talk out our agreements and disagreements, and we listen to the department chairman's recommendation, and listen to, to the particular interests of the dean of studies, and try and see how close we can get to the ideal person to fill the position.

Q And then who makes the decision to hire?
A I do.
Q You do?
A Yes, sir.
Q Now, is that decision arrived at subsequent to these meetings?
A Yes, sir, and on the basis of these consultations.

* * * *

[900] * * *

MONSIGNOR O'DONNELL,

called as a witness herein, being previously duly sworn, was examined and testified as follows:

HEARING OFFICER: Monsignor, let me just remind you that you are still under oath.

DIRECT EXAMINATION

Q (By Mr. Moss) All right, Monsignor, did you hear, and were you present in the room when Father Fahey discussed his department chairman and their functions?
A Yes, I did hear.
Q All right. Is your situation essentially the same?
A Essentially.

* * * *

[915] * * *

JACOB WYCH,

called as a witness on behalf of the Petitioner, being first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

Q (By Mr. Nathan) Where are you employed?
A Quigley South.
Q In what capacity?
A As a teacher in mathematics.

* * * *

[920] * * * Do you have a contract of employment?
A I have a contract like the other lay teachers do.

* * * *

[922] * * * (By Mr. Nathan) Is there any other arbitration procedure other than what is covered in this contract?
A No.
Q Do you know whether or not the same arbitration procedure is available to teachers in parochial schools, other than Quigley schools?
A I believe so.
Q In fact, expand upon this and tell us what you know of the Chicago Board of Conciliation, and Arbitration?
A The Board of Conciliation and Arbitration is set up by the Archdiocese of Chicago to handle cases involving the Archiocese of Chicago and individual members in the Archdiocese, at least, to the best of my recollection.

* * * *

[940] * * * Q What is a positive value in the priesthood?
A A positive value in the priesthood would be Christian morals, believe in the Catholic church, leading what would be classified as a Christian life, not necessarily being religious in the term of walking around with a Rosary.
Q All right, could you for the record give us other examples of what you mean by a Christian life?
Do you use that expression, "Christian life"?
A Yes, attending Mass on Sundays, possibly with reference to the form that the pastor would submit, being an altar boy for a specific Mass, being a patrol boy, helping other students in the grammar school, being an example to other students.

* * * *

Q (By Mr. Nathan) Is there a written document or set of instructions which are sent to pastors which tell them what the school means by positive value in the priesthood?
A No.

Q Is a pastor's recommendation on—or views on positive value in the priesthood a subjective one?

A Yes.

[941] Q To your knowledge, to some pastors interpret positive value in the priesthood differently from other pastors?

A Yes.

* * * *

[960] * * *

FATHER JOHN FAHEY,

called as a witness on behalf of the Union, having been previously sworn, was examined and testified as follows:

HEARING OFFICER: You are still under oath?

THE WITNESS: Yes, Ma'am.

DIRECT EXAMINATION

[961] * * * MR. NATHAN: I would ask that this witness be considered an adverse witness under the rules of civil procedure.

* * * *

HEARING OFFICER: You may do so, but my reason is because I have been allowing leading questions anyway, so you may proceed in that manner.

* * * *

[962] * * * Q (By Mr. Nathan) Do you know what title II of the ESEA is?

A Yes, sir, in a general administrative way.

Q Can you tell me what your knowledge is of that?

A Under this title, Federal Government makes books available to students in non-public schools under specified conditions and by following procedures.

Q Are books which are paid for by the Federal Government under this program presently located physically in Quigley South?

A Yes, sir.

Q Were those books borrowed from the Chicago Board of Education or borrowed through the Chicago Board of Education?

A They were purchased under the direction and supervision of the Chicago Board of Education.

[963] Q How did Quigley South come to have those books?

A The Chicago Board of Education notified the non-public schools of the availability of a certain amount of funds every year, and notifies us also of the requisite conditions in which those funds are made available to us, and provides us with order blanks, very complicated documents requiring four or five duplicates, and it says you may order books given all the extra conditions, but you may order books in the amount of so much money, and these books will then be made available for location in your library.

Q Do you ever see these forms?

A Yes, sir, I must sign them.

Q And who do you then send these forms to?

A The librarian prepares the form because they come to the librarian.

The librarian prepares forms, sends them to me for my signature, and I give them back to the librarian.

Q Do you know what he does with them?

A Sends them back to some office in the Board of Education, I am sure.

Q Do you know what they do with them?

A No.

Q Do you have any idea what they do with them?

A The ultimate is that books get delivered to Quigley South.

Q And who paid for these books?

[964] A The Federal Government.

Q All right, had books under that procedure that you have presently described, are these books now located at the Quigley South High School?

* * * *

[965] * * *

EXAMINATION

Q (By the Hearing Officer) Father Fahey, do you know for how many years you have been receiving books under this procedure?

A I know for all of the years that I have been at Quigley South, not including last year, we have received books and that the books were available prior to that time, exactly how many years, I do not know.

Q Have any of those books been recalled by the Chicago Board of Education?

A I don't know, not to my knowledge.

Q Do you have any idea the value of those books?

You can break it down per year, if you would like.

A The list comes to me in batches, and I have never seen an accumulative list nor, of course, are these lists included in our budget, but the dollar amounts would be in the thousands.

[966] * * * A Well, not per year, but a thousand dollars or $1200 a year, or something like that.

Q I see, that is a rough estimate?

A That is a very rough estimate.

Q Okay, do you know how many books altogether approximately you would have that you received under this program?

A No, the program provides a certain dollar amount of books, and the number of books that actually are made available to us under the program depends on the cost of those particular books from year to year.

Q But do you have any idea of the number of books you have received?

A It would be in the hundreds.

* * * *

[968] * * *

JAMES S. OCHS,

called as a witness by and on behalf of the Union, having been first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

Q (By Mr. Nathan) Mr. Ochs, where are you employed?

A Quigley South High School.

Q In what capacity?

A As a mathematics teacher.

* * * *

MR. MOSS: Harvey, I will stipulate that they are individual, or there are individual contracts with the teachers.

[969] * * * MR. NATHAN: That Mr. Gorey, Mr. olo, Mr. Ochs, are all covered by—

HEARING OFFICER: Mr. Wych?

MR. NATHAN: Mr. Wych has so testified—are covered, or were covered by contracts previously introduced into evidence as Petitioner's Exhibit No. 2.

MR. MOSS: That is correct, but with the appropriate blanks in that contract filled in with the appropriate information relevant to that teacher.

MR. NATHAN: That's right. Okay.

HEARING OFFICER: The stipulation is received.

* * * *

[1007] * * *

CECIL GOREY,

called as a witness at the instance of the Union, being first duly sworn, was examined and testified as follows:

* * * *

DIRECT EXAMINATION

Q (By Mr. Nathan) Where are you employed, Mr. Gorey?

A Quigley South High School.

Q In what capacity?

A Choral—music director.

* * * *

[1021] * * * Can you name some of the clubs at Quigley South.

A Chess Club, Aqua Club, History, Drama Club.

Q Is there a camera club?

A Yes.
Q Book club?
A Yes.
Q A school book club?
A Yes.
Q Do these clubs have faculty advisers?
A Yes.
Q Is there a—did you mention drama club?
A Yes, I did.
Q Is there a school play presented during the year?
A Several.
Q Several school plays?
A Well, musicals and plays, if you lump them together.

* * * *

[1023] * * * Q Can you tell me the names of some of the national associations which lay teachers belong to?

A National Association of Mathematics Teachers, National Science Teachers Association, Association of American [1024] Historians, National English, National Social, National Music Educators Association.

Q Does any teacher to your knowledge belong to the African Studies Association?

A Yes, one of them does.

Q Does any teacher to your knowledge belong to the American Association of Professional—excuse me—American Association of University Professors?

A Yes.

Q Are these representative samples of National Associations, and there may be more?

A Oh, yes, I am sure there are.

Q Do you know whether or not the membership dues for any of these associations are paid by Quigley South or through Quigley South?

A Some of the conventions I think are paid for by the school, but I am not sure if the dues are paid for by the school.

* * * *

[1030] * * *

FURTHER DIRECT EXAMINATION

Q (By Mr. Nathan) Mr. Gorey, by way of background you testified yesterday you previously were employed by the Crete-Monee School District—

* * * *

[1031] Q What capacity were you in there?

A Director of the high school and choral music, and chairman of the vocal music department, kindergarten three through twelve.

Q Kindergarten three through twelfth grade?

MR. MOSS: You have to enunciate better.

THE WITNESS: I was high school choral director and chairman of the vocal music department, kindergarten through twelfth grade.

Q (By Mr. Nathan) Mr. Gorey, the school that you worked for was not a religious institution or religiously connected institution, was it?

A No.
Q It was a public school?
A Yes.
Q Had no religious program?
A None.

Q Did it have academic programs which you are familiar with—strike that, please.

Did it have academic programs which you can compare with the academic programs at Quigley South High School where you now teach?

[1032] A Yes.

Q Would you attemp to draw some comparison, please, with regards to the academic programs?

A Well, especially in the fine arts department, choral music department the kinds of classroom activities and extra curricular activities involved in at Quigley is very similar to what went on in my department at Crete.

As far as religious music, we did a great deal of religious music because this is the real guts of the finest music written.

The purpose of religious music at Quigley perhaps is a little different in preparation for liturgies, however, the art department at Crete-Monee was similar in operations to the art department at Quigley High School.

The English department at Crete-Monee was an advanced, sophisticated department with many various courses offered. They had a common teacher both at Quigley and Crete at different years.

The Quigley English department seems to also to be very avant-garde in their attitude and ideas, so they were very similar as far as priority. They put the department in relation to the rest of the academic program.

* * * *

1033] * * * Q Did the Crete-Monee High School have labs for the sciences, for Biology and for mathematics, or any of them?

A Yes, all of them.

Q Did the Crete-Monee High School have varsity teams?

A Yes.

Q Sports teams?

A Yes.

Q Cover a variety of sports?

A Yes.

Q You remember some of the sports activities at the Crete-Monee High School?

A Baseball, basketball, track, football, wrestling.

Q There is no football at Quigley South?

A No.

Q Were there clubs or other activities at the Crete-Monee High School?

A Yes. There was the Glee Club, Camera Club, Music Club, History Club, English Club, Drama Club, Debate Club.

Q Are there clubs—the same types of clubs at Quigley South?

[1034] A Yes.

Q Did the clubs at Crete-Monee High School have faculty advisers?

A Yes.

Q Do the clubs at Quigley South also have faculty advisers?

A Yes.

Q Was there a college preparatory type of approach at Crete-Monee High School?

A It was one of the approaches, yes.

Q How would you compare the percentage of students, if you know, who went to college from Crete-Monee with those who go to college, numerically speaking, from Quigley South?

A Much lower at Crete-Monee.

Q Greater percentage of persons go on to college from Quigley South High School?

A Oh, definitely.

* * * *

Quigley Preparatory Seminary—South
Statement of Income and Expenses
For the Six Months Ended December 31, 1974

Income	Submitted Budget	Budget	Incurred or Actual	Variance Increase (Decrease)
Tuition	517,500.00	207,000.00	210,604.00	3,604.00
General Fees	15,780.00	6,312.00	9,162.74	2,850.74
Elective Fees	3,500.00	1,400.00	1,510.00	110.00
Text Book Receipts (NET)	3,500.00	1,400.00	4,697.17	3,297.17
Gym Clothing Receipts (NET)	750.00	300.00	442.63	142.63
Parents Contributions	10,000.00			
Summer Programs (NET)	1,000.00	400.00	(779.34)	(1,179.34)
Entrance Exam Fee	2,500.00	1,000.00	2,195.00	1,195.00
Caftereria Income	2,000.00			
Misc. Income	3,000.00	1,200.00	3,445.32	2,245.32
Use of Premises	5,400.00	2,160.00	2,723.10	563.10
	564,930.00	221,172.00	234,000.62	12,828.62
Administration Expenses				
Salaries-Clergy	8,250.00	4,125.00	4,425.00	300.00
Salaries-Lay	35,400.00	17,700.00	15,916.90	(1,783.10)
Dean of Studies	17,710.00	8,855.00	8,855.47	.47
Social Security/Blue Cross-2053	—	—	373.81	373.81
Dean of Students	17,710.00	8,855.00	8,855.47	.47
Social Security/Blue Cross-2055	—	—	373.81	373.81
Social Security/Blue Cross-2052	5,600.00	2,800.00	1,233.00	(1,567.00)
Postage	2,700.00	2,350.00	1,802.50	(547.50)
Telephone	9,500.00	4,750.00	4,774.14	24.14
Office Supplies & Expense	3,150.00	1,575.00	1,303.97	(271.03)
Infirmary Expense	200.00	100.00	107.89	7.89
Testing Expense	2,300.00	1,150.00	1,034.38	(115.62)
Vocational Development	1,500.00	750.00	609.00	(141.00)
Adm. Misc. Expense	1,000.00	500.00	558.68	58.68
Capital Expense-Office	—	—	300.00	300.00
	105,020.00	53,510.00	50,524.02	(2,985.98)
Educational				
Salaries-Lay	451,652.00	180,660.80	180,332.29	(328.51)
Salaries-Library	7,000.00	3,500.00	3,403.80	(96.20)
Social Security/Blue Cross 72-3	32,000.00	12,800.00	12,717.45	(82.55)
Educ. Dept. Classroom Exp.	24,550.00	8,568.40	12,659.43	4,091.03
Library Budget	4,800.00	1,920.00	2,318.42	398.42
Stationery & Printing	12,000.00	4,800.00	11,968.58	7,168.58
In-Service Educ. Workshop, Institutes	500.00	200.00	178.84	(21.16)
Curriculum & Development	2,000.00	2,000.00	2,117.00	117.00
	534,502.00	214,449.20	225,695.81	11,246.61
Clergy-Educational				
Salaries	54,700.00	27,350.00	26,265.00	(1,085.00)
Faculty Education	4,000.00	1,600.00	1,634.98	34.98
Faculty Board	2,500.00	1,000.00	985.95	(14.05)
Faculty Retreats	1,400.00	560.00	80.00	(480.00)
	62,600.00	30,510.00	28,965.93	(1,544.07)

Quigley Preparatory Seminary—South
Statement of Income and Expenses
For the Six Months Ended December 31, 1974

Formation Department	Submitted Budget	Budget	Incurred or Actual	Variance Increase (decrease)
Salaries-Secretary	6,760.00	2,704.00	3,210.42	506.42
Social Security/Blue Cross	600.00	240.00	301.04	61.04
Religion Department	3,800.00	1,520.00	1,474.19	(45.81)
Guidance Department	800.00	320.00	219.77	(100.23)
Chapel	500.00	200.00	70.75	(129.25)
Retreat & Formation Workshops	9,150.00	3,660.00	5,182.67	1,522.67
Capital	500.00	200.00	192.18	(7.82)
	22,110.00	8,844.00	10,651.02	1,807.02
Operation & Maintenance of Plant				
Salaries-Lay	70,000.00	35,000.00	34,944.00	(56.00)
Social Security/Blue Cross for 20	5,500.00	2,750.00	2,675.47	(74.53)
Fuel	24,500.00	12,250.00	8,428.57	(3,821.43)
Light, Power	34,500.00	17,250.00	20,058.98	2,808.98
Maintenance-Bldg. & Grounds	11,000.000	5,500.00	7,770.54	2,270.54
Mobile Equipment	1,200.00	600.00	831.35	231.35
Gym & Pool Supplies	1,800.00	900.00	472.70	(427.30)
Contracts Bldg. Systems	6,100.00	3,050.00	2,423.32	(626.68)
Insurance	4,700.00	4,700.00	5,242.00	542.00
	159,300.00	82,000.00	82,846.93	846.93
Athletic Activities				
Salaries-Coaches	10,076.00	4,030.40	4,403.80	373.40
Salaries-Athletic Director	1,050.00	420.00	537.28	117.28
Social Security for 36 & 37	750.00	300.00	168.34	(131.66)
Athletic Budget Expenses	8,675.00	3,470.00	6,192.41	2,722.41
Athletic-Capital	—			
	20,551.00	8,220.40	11,301.83	3,081.43
Other School Activities				
Profile	3,150.00	1,260.00	1,629.72	369.72
Christmas Gifts & Party	300.00			
Diocesan Services & Bldg. Use	1,000.00			
Van Rentals	4,600.00	1,840.00	3,659.73	1,819.73
Year Book	600.00	240.00	(1,463.30)	(1,703.30)
Student Council	1,000.00	400.00	774.39	374.39
	10,650.00	3,740.00	4,600.54	860.54

Quigley Preparatory Seminary—South
Statement of Income and Expenses
For the Six Months Ended December 31, 1974

Rectory Expense	Submitted Budget	Budget	Incurred or Actual	Variance Increase (Decrease)
Salaries-Staff	6,400.00	3,200.00	4,328.00	1,128.00
Social Security/Blue Cross	750.00	375.00	442.35	67.35
Clergy Rectory Residence	1,800.00			
Operation of Rectory	5,400.00	2,700.00	1,874.40	(825.60)
Rectory Supplementary	800.00			
	15,150.00	6,275.00	6,644.75	369.75
Total Operating Expenses	929,883.00	407,548.60	421,230.83	13,682.23
Operating Deficit for the Six Months Ended December 31, 1974	(364,953.00)	(186,376.60)	(187,230.21)	853.61
Extraordinary Expense	6,870.00	6,594.65	6,594.65	—
Net Operating Deficit for the Six Months Ended December 31, 1974	(371,843.00)	(192,971.25)	(193,824.86)	853.61

Quigley Preparatory Seminary—South
Analysis of Expenses
For the Six Months Ended December 31, 1974

Educational Department		Submitted Budget	Budget	Incurred or Actual	Variance Increase (Decrease)
Art-Sophomore		2,850.00	1,140.00	661.25	(478.75)
Art-Advanced		2,375.00			
Band		950.00	380.00	446.54	66.54
Biology		1,976.00	790.40	72.75	(717.65)
Chemistry		1,387.00	554.80	986.58	431.78
English		1,568.00	627.20	706.98	79.78
Latin		314.00	125.60	59.95	(65.65)
Mathematics		760.00	304.00	361.44	57.44
Modern Language		1,548.00	619.20	771.43	152.23
Music		4,750.00	1,900.00	3,380.53	1,480.53
Physical Education		3,258.00	1,303.20	3,206.80	1,903.60
Social Studies		2,060.00	824.00	2,005.18	1,181.18
Physics		754.00			
		24,550.00	8,568.40	12,659.43	4,091.03
Extraordinary Expenses		2,400.00	2,104.65	2,104.65	—
		4,490.00	4,490.00	4,490.00	—
		6,890.00	6,594.65	6,594.65	—
Text Books					
Cash Sales	1,015.09				
Student Charge Sales	31,122.00				
Total Receipts				32,137.09	
Purchases	25,895.72				
Illinois Sales Tax	1,505.85				
Inventory 6/30/74	3,294.35				
	30,695.92				
Less Current Inventory	3,256.00			27,439.92	
Net Income (Deficit)				4,697.17	
Gym Clothing					
Cash Sales	275.85				
Student Charge Sales	11,848.60				
Total Receipts				12,124.45	
Purchases	13,875.91				
Illinois Sales Tax	568.12				
Inventory 6/30/74	166.47				
	14,610.50				
Less Current Inventory	2,928.68			11,681.82	
Net Income (Deficit)				442.63	

Quigley Preparatory Seminary—North
Statement of Income and Expenses
For the Six Months Ended December 31, 1974

Income	Submitted Budget	Budget	Incurred or Actual	Variance Increase (Decrease)
Tuition	132,125.00	52,850.00	44,390.00	(8,460.00)
Tuition-Summer Program	440.00	176.00	69.50	(106.50)
Religion & Retreat Fees	2,360.00	944.00	115.96	(828.04)
Locker Fee	275.00	110.00	275.00	165.00
Athletic Gate Receipts	500.00	200.00	244.72	44.72
Biology Fee	750.00	300.00	400.00	100.00
Chemistry Fee	250.00	100.00	136.00	36.00
Physical Education Fee	1,375.00	550.00	692.00	142.00
Text Book Receipts (NET)	500.00	200.00	236.89	36.89
Store Receipts (NET)	200.00	80.00	(531.21)	(611.21)
Alumni Patrons	3,000.00	1,200.00	2,911.00	1,711.00
Yearbook Revenue-Ads, etc.	3,500.00	1,400.00	2,028.00	628.00
Misc. Income	500.00	200.00	235.41	35.41
Other Departmental Fees (see att.)	1,510.00	460.00	806.00	346.00
Graduation Fee	600.00	240.00	236.00	(4.00)
College	600.00	240.00	200.00	(40.00)
Entrance Exam Fee	625.00			
Mini Course Fee (NET)	500.00			
	149,610.00	59,250.00	52,445.27	(6,804.73)
Administration Expense				
Salaries-Clergy	8,800.08	4,400.04	4,400.04	—
Salaries-Lay	21,450.00	10,725.00	10,924.84	199.84
Social Security/Blue Cross	1,735.00	867.50	868.53	1.03
Postage	850.00	425.00	1,245.44	820.44
Telephone	3,000.00	1,500.00	1,251.95	(248.05)
Office Supplies & Expense	1,200.00	600.00	1,331.85	731.85
Chapel Expense	200.00	100.00	170.83	70.83
Misc. Expense	250.00			
Capital Expense-Office	350.00	175.00	748.00	573.00
Vocation Promotion	2,000.00	1,000.00	2,254.89	1,254.89
	39,835.08	19,792.54	23,196.37	3,403.83
Educational Expenses				
Salaries-Clergy	42,731.06	21,365.53	20,954.74	(410.79)
Salaries-Lay	75,768.00	30,307.20	33,973.44	3,666.24
Salaries-Library	4,399.92	2,199.96	2,199.96	—
Social Security/Blue Cross	6,038.00	2,415.20	2,449.77	34.57
Faculty Education Expense	1,000.00	400.00	132.69	(267.31)
Faculty Board	1,000.00	400.00	975.29	575.29
Educ. Dept. (see att.)	13,061.00	5,224.40	7,501.16	2,276.76
Library Books & Periodicals	3,000.00	1,200.00	3,027.44	1,827.44
Other Library Expenses-Audio/Visual	1,400.00			
Student Placement Service	350.00	140.00	359.76	219.76
Conventions	500.00	200.00	195.74	(4.26)
Professional Services	—			
Priests' Retreat	1,100.00			
	150,347.98	63,852.29	71,769.99	7,917.70

Quigley Preparatory Seminary—North
Statement of Income and Expenses
For the Six Months Ended December 31, 1974

Operation & Maintenance of Plant	Submitted Budget	Budget	Incurred or Actual	Variance Increase (Decrease)
Contractual Maintenance	12,000.00	6,000.00	4,630.00	(1,370.00)
Salaries-maintenance	26,210.00	13,105.00	13,558.06	453.06
Social Security/Blue Cross	2,015.00	1,007.50	965.26	(42.24)
Fuel	15,000.00	7,500.00	7,495.75	(4.25)
Light, Power	8,000.00	4,000.00	3,328.86	(671.14)
Building Maintenance	5,000.00	2,500.00	3,265.42	765.42
Maintenance-Major Equipment	2,000.00	1,000.00	1,023.10	23.10
Contractual Services	4,500.00	2,250.00	1,857.08	(392.92)
Mobile Equipment	600.00	300.00	190.40	(109.60)
Non-Salaried Help-Students	200.00			
Insurance	3,765.00	3,765.00	4,142.00	377.00
Pool Expense	400.00	200.00	96.28	(103.72)
	79,690.00	41,627.00	40,552.21	1,075.29
Athletic Activities				
Coaches' Salaries	5,000.00	2,000.00	2,654.50	654.50
Social Security/Blue Cross	292.50	117.00	135.08	18.08
Intramural Department	660.00	264.00	36.75	(227.25)
Interscholastic Dept.	4,300.00	1,720.00	2,891.64	1,171.64
	10,252.50	4,101.00	5,717.97	1,616.97
Other School Activities				
Cafeteria Expense (NET)	4,500.00	1,800.00	(384.00)	(2,184.00)
School Paper	1,500.00	600.00	562.74	(37.26)
Year Book Expenses	3,500.00	1,400.00	38.45	(1,361.55)
	9,500.00	3,800.00	217.19	(3,582.81)
Total Operating Expenses	289,625.56	133,173.33	141,453.73	8,280.40
Operating Deficit for the Six Months Ended December 31, 1974	(140,015.56)	(73,923.33)	(89,008.46)	15,085.13
Extraordinary Expenses	2,856.00	2,856.00	2,856.00	—
Net Deficit for the Six Months Ended December 31, 1974	(142,871.56)	(76,779.33)	(91,864.46)	15,085.13

Quigley Preparatory Seminary—North
Statement of Income and Expenses
For the Six Months Ended December 31, 1974

Income-Other Departmental Fees	Submitted Budget	Budget	Incurred or Actual	Variance Increase (Decrease)
Spanish	350.00	140.00	148.00	8.00
Intro-Science	90.00	36.00	24.80	(11.20)
English	360.00			
Art	250.00	200.00	96.00	(4.00)
Interdisciplinary Studies	400.00	160.00	466.00	306.00
Latin	60.00	24.00	40.00	16.00
Music	—	—	31.20	31.20
	1,510.00	460.00	806.00	346.00
Educational Department Expenses				
Art Department	650.00	260.00	407.11	147.11
Biology Department	400.00	160.00	29.23	(130.77)
Chemistry Department	360.00	144.00	51.36	(92.64)
English Department	100.00	40.00	110.02	70.02
General Classroom Expense	1,800.00	720.00	1,711.52	991.52
Physical Science Department	—			
Mathematics Department	380.00	152.00	37.84	(114.16)
Modern Language Department	300.00	120.00	481.80	361.80
Music Department	150.00	60.00	60.15	.15
Religion Department	1,800.00	720.00	811.80	91.80
Social Studies Department	250.00	100.00	176.34	76.34
Xerox 2400	3,600.00	1,440.00	2,021.49	581.49
Xerox Paper Supply	1,700.00	680.00	341.70	(338.30)
Health Department	—			
Physical Educ. Department	1,571.00	628.40	1,260.80	632.40
	13,061.00	5,224.40	7,501.16	2,276.76
Text Books Receipts				
Cash Sales	4,136.75			
Student Charge Sales	303.25			
Total Sales		4,440.00		
Purchases	4,341.88			
Illinois Sales Tax	202.88			
Inventory 6/30/74	649.00			
	5,193.76			
Less Current Inventory 12/31/74	990.65	4,203.11		
Net Income (Deficit)		236.89		
Other Store Receipts				
Cash Sales	1,638.95			
Student Charge Sales	—			
Total Sales		1,638.95		
Purchases	1,993.52			
Illinois Sales Tax	81.94			
Inventory 6/30/74	1,107.75			
	3,183.21			
Less Current Inventory 12/31/74	1,013.05	2,170.16		
Net Income (Deficit)		(531.21)		

QUIGLEY PREPARATORY SEMINARY NORTH
103 East Chestnut Street
Chicago, Illinois 60611
787-9348

October 20, 1970

Dear Father:

On October fifth, the Auxiliary Bishops, the Vicars Delegates, and the Archdiocesan consultors accepted the recommendation of the Seminary Study Commission, who had been working for more than a year on the planning for our seminary system. The Cardinal then aprpoved of the direction given to the two Quigley's as follows:

1. Beginning in September, 1971, Quigley North and Quigley South will accept freshman students in two categories:
   a) Boys who have indicated a positive desire for the priesthood and meet the present requirements for admission
   b) Boys who in the judgment of parish priests have the kind of character, ability, and temperament which might lead to the personal discovery of a vocation to the priesthood
2. The public image of Quigley North and Quigley South should emphasize the fact that they are contemporary seminaries primarily concerned with the development and encouragement of vocations to the priesthood.
3. There should be a vigorous recruitment program, especially on the part of priests, to enroll qualified students.

In accord with these directives, we ask your help in our current effort at enrollment. We would like you to meet with your eighth grade teachers to discuss possible candidates for either category one or two. In about a week one of our faculty will phone you to ask if he might visit your school and talk with the boys you nominate to explain to them more fully the program of our school.

After that, the boy and his parents will be invited to an "open house" at Quigley. When he is ready to say with some firmness that he wishes to enroll, we shall then send you a somewhat detailed form for your formal recommendation.

Under separate cover, I am sending you some brochures you might give to your boys.

Some of the principals, who we asked to advise us on the process of our enrollment, found the following definition helpful to describe the boy who fits the second category.

> The second kind of boy cannot say that he aspires to the priesthood. But he is a boy of quality character, ability, and idealism. He should be especially concerned about the welfare of his fellow man. He should be socially at ease with his peers. He should be of stable family background. He should be in good physical and mental health. He should have college level education in sight as a realistic goal. He should be willing to explore challenging opportunities to develop his own individual talents and to engage in situations preparing him for a leadership of service.

Since we are striving for broad geographical representation and are hoping that most of the parishes in the Quigley North zone will have students here, it may not be possible to accept all the nominees of the second category from every parish. If more freshmen apply than we can accommodate, we shall do our best to achieve an equitable admissions arrangement.

We are very grateful for your interest and cooperation in the past. We rely upon your continued loyalty for the success of our new approach. With the help of your prayers, we hope to respond to what God seems to be asking of us.

Sincerely yours in Christ,

/s/ John P. O'Donnell
REV. MSGR. JOHN P. O'DONNELL

Percentage of Quigley North graduates entering Niles College

80% 78% 71% 64% 75% 72% 55% 67% 56% 45% 45% (20) 44% (28) 53% (28) 43% (21)

50%

'61 '62 '63 '64 '65 '66 '67 '68 '69 '70 '71 '72 '73 '74

QUIGLEY NORTH, '74

THE GRADUATES

Mark Joseph Baiocchi	Undecided
James William Barkemeyer	U. Ill.
Timothy Ryan Burke * °	Tulane
Juan Cabrera	DePaul
John Joseph Clair	NILES COLLEGE
Edward Thomas Collins	NILES COLLEGE
Edward Renee Concordia	Undecided
Vincent Gerard Connolly	NILES COLLEGE
Alvin Lafayette Daniels	NILES COLLEGE
Ignazio Joseph Doro	NILES COLLEGE
William John Dunkovich	Triton Jr. Col.
Robert Paul Fialkowski * °	NILES COLLEGE
Paul Joseph Flaherty * °	NILES COLLEGE
Christopher James Fox	NILES COLLEGE
George Garza	U. of Ill.
Michael Louis Gibson * °	St. Louis U.
James Alfred Guidizi	Northeastern
Leonard John Guziec *	Loyola
Timothy Richard Hopkins	Loyola
Thomas Gerard Huitink	Loyola
Thomas Arthur Hyland	Loyola
Stephen Francis Kanonik * °	NILES COLLEGE
Patrick Joseph Keane	De Vry Inst.
Leonard Martin Kruzel	NILES COLLEGE
Anthony Maurice Lackland	NILES COLLEGE
Leonard Philip Lampton	Wright
Joseph Harold Learnahan	Loyola
Paul Anthony Lepek	NILES COLLEGE
John Kenneth Mahon	Winona
John Paul Majewski	NILES COLLEGE
Angel Wilfredo Marquez	NILES COLLEGE
Patrick Michael McHugh	NILES COLLEGE
John Patrick Mitchell	NILES COLLEGE
Paul Edward O'Grady	Western U.
James Michael O'Malley	NILES COLLEGE

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* Illinois State Scholarship Winner

° National Honor Society

THE GRADUATES

Edward Richard O'Neill, Jr. * °	U. of Chicago
Ronald James Peplinski	NILES COLLEGE
Thomas Joseph Powers	Loyola
John Francis Prus *	NILES COLLEGE
Kevin Vincent Rainey	undecided
Paul Michael Resch * °	U. Ill.
Mark Francis Rudnick	U. Ill.
John William Sampson	NILES COLLEGE
Mark James Schefke	DePaul
Carlos Manuel Soto	Quincy
Edward James Therriault	NILES COLLEGE
Thomas Paul Weber * °	Notre Dame
Patrick William Wolf	undecided
Michael Allen Zuber	undecided

Awards for Academic Excellence

General Excellence
Paul J. Flaherty

English
Timothy R. Burke

Foreign Language
Michael L. Gibson

Mathematics
Michael L. Gibson

Science
Stephen F. Kanonik

Social Studies
Edward J. O'Neill

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* Illinois State Scholarship Winner

° National Honor Society

Quigley South Graduates entering Niles College

82.6% 84.6% 63% 76.9% 73% 60.6% 75.8% 47.8% 52.9% 32.9% 30.6% 27.7% 16%

EMP'S 66

3/2

58½

86 97 87 120 111 97 84 90 71 52 52 46 23

'62 '63 '64 '65 '66 '67 '68 '69 '70 '71 '72 '73 '74

Encl. 69

GRADUATION CLASS OF QUIGLEY SOUTH, 1974

(179 students)

NAME	COLLEGE	FULLTIME EMPLOYMENT
Abbate, Russell	Niles College of Loyola U.	
Aceto, Thomas	University of Illinois (Chicago Circle)	
Adzgowski, Richard	Western Illinois University (Macomb)	
Alfirevic, Victor	University of Illinois (Urbana)	
Anderson, Ernest	Wilberforce University (Ohio)	
Augustine, John	Lewis University (Lockport)	
Baca, Larry	Coyne American Institute of Tech.	Sears Roebuck
Batten, Johnnie	Niles College of Loyola U.	
Bentley, Terrence	Quincy College	
Berry, Richard	Marquette University (Milwaukee)	
Blumingberg, Archie		Police Academy
Bohringer, Robert		Phone Company
Boland, Michael	Niles College of Loyola U.	
Bourret, Robert		?
Brown, Darnell	Wilberforce College (Ohio)	
Bukacck, Paul		?
Bukala, Robert	University of Illinois (Chicago Circle)	Sears Roebuck
Bulaga, John		?
Burian, Kevin	Loyola University (Lewis Towers)	Drovers Bank
Burns, John	Illinois State University (Normal)	
Burns, Peter	Benedictine College (Kansas)	
Carey, Timothy	Lewis University (Lockport)	
Casey, Thomas	Niles College of Loyola U.	
Chowaniec, Dean		
Colston, Steven		Going into service
Conners, William	?	?
Conway, Robert	Lewis University (Lockport)	
Costello, James	DePaul University	
Coughlin, Ronald	Northern Illinois University (DeKalb)	
Cullinan, Charles	Northern Illinois University	
Cyscon, John		?
Daley, James	St. Mary's (Minnesota)	
Dalton, Robert	St. Xavier College	
Daluga, John		Gordon Frieght
Ditto, Stanford	Roosevelt University	
Donaldson, Jr., Joseph	Southern Illinois University (Carbondale)	
Doran, Thomas	Western Illinois University (Macomb)	
Doyle, James	Northern Illinois University (DeKalb)	
Ervitti, Pedro	University of Illinois (Chicago Circle)	
Evans, Barron	Wilberforce University (Ohio)	
Ewing, George	St. Mary of the Plains University (Dodge City, Kansas)	
Faron, Steven		?
Ferek, Daniel	St. Norbert University (Depere, Wisc.)	Brog Meat Mkt.
Fiorenzi, Charles	Quincy College	
Forst, Michael	American Academy of Art	Marines (next year)
Franz, Daniel	University of Illinois (Chicago Circle)	
Free, Robert	Niles College of Loyola U.	
Freyer, James	Washburn Trade School	Electrical
Gainer, James	Chicago State University	
Geste, Joseph	Shimer College (Mt. Carrol, Ill.)	
Glennon, John	Niles College of Loyola U.	

GRADUATION CLASS OF QUIGLEY SOUTH, 1974

(179 students)

NAME	COLLEGE	FULLTIME EMPLOYMENT
Gorman, Michael	Niles College of Loyola U.	
Grames, Daniel	Southwest College	
Greene, Albert		?
Griffin, Patrick	University of Illinois (Chicago Circle)	
Gueringer, Robert		?
Hacker, Thomas		?
Haight, John		?
Hanrahan, Michael	DePaul University	
Hardwick, Ronald		?
Hartigan, Thomas	Illinois State University (Normal)	
Hartman, Mark	Lewis College (Lockport)	
Harvey, Mark		U.S. Army
Havey, Joseph	Resis College (Denver, Colo.)	
Haydek, Kenneth	University of Illinois (Chicago Circle)	
Hayes, Mark	Northern Illinois University	
Houtsma, Mark	Western Illinois University (Macomb)	
Howard, Ralph	Loyola University	Mercy Hospital
Hughes, James		?
Jasinski, Terrence		?
Jervis, Robert	Western/DePaul/St. Joseph University	P.M. Cartage
Jones, Raymond	Wilberforce University (Ohio)	
Kastigar, James	Niles College of Loyola U.	
Kelly, Robert	Niles College of Loyola U.	
Kennelly, Peter	Illinois Institute of Technology	
Kolozy, Keith	Western Illinois University (Macomb)	
Kondziolka, Glenn	Chicago State University	
Korbus, Lawrence	University of Illinois (Chicago Circle)	
Kordas, Florian	Southwest College	Tom Tom Baking Co.
Kordelewski, Jr., Richard		?
Kosifas, Christopher	Benedictine College (Kansas)	
Krizka, David	DePaul University	
Kupsco, Thomas	Niles College of Loyola U.	
Kwak, Joseph	Moraine Valley Community College	
Ladniak, Ronald	Thornton Junior College	Rube's Sportsmen Club &
LaFargue, Michael	DePaul University	CTA /St. John's
Lally, John	Northern Illinois University (DeKalb)	/ Cath.
Lavin, Paul		City Work & Industrial
Lindstrom, Ronald		? / fencin.
Lippe, Daniel	Thornton Junior College (So. Holland)	
Luke, Stephen	Washburne Trade School	Decoration
Madden, John	Trade School	Plumbing
Mallek, Paul	DePaul University	National Tea Co.
Mandel, Dominic	McMurray College (Jacksonville)	
Mason, Gregory	DePaul University	
May, Lloyd	Dartmouth College (Hanover, N.H.)	
McCarthy, Patrick	University of Illinois (Chicago Circle)	
McDonnell, Joseph	Niles College of Loyola U.	
McGee, Michael	Niles College of Loyola U.	
McKeague, Thomas	St. Xavier College	Jewel Food Store
McKenzie, Anthony	Shimer College (Mt. Carroll, Ill.)	
Mea, William	Niles College of Loyola U.	

GRADUATION CLASS OF QUIGLEY SOUTH, 1974

(179 students)

NAME	COLLEGE	FULLTIME EMPLOYMENT
Merwin, Patrick	Shimer College (Mt. Carroll, Ill.)	
Michor, Michael		First National Bank
Miller, Michael	Illinois Benedictine College (Lyle, Ill.)	
Moore, Rex		?
Moore, Toussaint		?
Moore, Winfield	Wilberforce,University (Wilber, O.)	
Moran, Stephen	Western Illinois University (Macomb)	
Moroney, Timothy	University of Illinois (Chicago Circle)	
Mraz, Daniel	? University of Illinois (Chicago Circle)	
Mullen, John	Western Illinois University (Macomb)	
Muszynski, Gregory	Niles College of Loyola U.	
Niemiec, Edward	Southwest College	
O'Brien, Gerard	Niles College of Loyola U.	
O'Connell, Michael		?
O'Connor, Joseph	University of Illinois (Champaign,- Urbana)	
Orzel, James		?
Pajak, Philip		?
Panek, Richard		?
Pekelnicky, Robert	University of Illinois (Chicago)	
Pendergast, Francis	Niles College of Loyola U.	
Petravick, Donald	University of Illinois (Chicago Circle)	
Porter, John	Niles College of Loyola U.	
Powe, Spencer	College of St. Francis	
Price, John	University of Illinois (Chicago Circle)	
Reed, Wayne	Northern Illinois & University of Illinois U.	
Regula, Michael		?
Reid, William	Niles College of Loyola U.	W.T. Grant (Niles)
Reinke, Timothy		Illinois Bell Tele.
Roback, John	Chicago State University	
Robinson, Dwayne	University of California (Berkeley, Calif.)	
Rohan, Thomas	University of Illinois (Champaign)	
Rusnak, Russell	Illinois Benedictine College (Lyle)	
Ryan, James	Illinois Benedicting College (Lyle)	
Rzasa, Frank	University of Illinois (Chicago Circle)	Cuneo Press
Rzeszutko, Ralph	Illinois Institute of Technology	
Salton, Anthony		?
Sanchez, John	Southwest College	
Sarussi, Gerry		?
Schaefer, Michael	Northern Illinois University (DeKalb)	
Sheehan, Michael	MacMurray College (Jacksonville, Ill.)	
Sifuentes, Joseph	DePaul University	
Siwinski, David	DePaul Univ. or Moraine Valley College -- Teaching Tennis	
		or Landscap
Sjostrom, William	University of Chicago	
Smith, Robert	Niles College of Loyola U.	
Smyth, Russell	Northern Illinois University (DeKalb)	
Sobol, Daniel	Niles College of Loyola U.	
Stahulak, John	DePaul University	
Stiegal, James		Traveling
Stillwell, Craig	Western Illinois University (Macomb)	
Szafoni, Robert	University of Illinois (Chicago Circle)	Southwestern Animal Hosp.

GRADUATION CLASS OF QUIGLEY SOUTH, 1974

(179 students)

NAME	COLLEGE	FULLTIME EMPLOYMENT
Szott, David	Benedictine College (Kansas)	
Szymanski, Christopher		?
Thompson, Patrick	? University of Illinois (Chicago Circle)	Gas City
Tvardak, Robert	Niles College of Loyola U.	
Valdes, Anthony		Blue Cross-Blue Shield
Vellenga, Stephen	Moraine Valley College	Metron Steel
VonThaden, James		Cameo Container
Wagner, David	Southwest College	Electro-Motive
Wagner, George	DeVry Institute of Technology	
Walker, Brian	Niles College of Loyola U.	
Walsh, Kevin		Jewel (Melrose Pk.)
Ward, Bernard	? Illinois Institute of Technology	
White, Robert		?
Wilkison, Patrick	Northern Illinois University (DeKalb)	
Williams, Thomas	University of Illinois (Urbana)	
Wimp, Benote	Wilberforce University (Ohio)	
Wimp, Henry	Niles College of Loyola U.	
Wisniewski, Michael	Loyola University	Brainard House
Witherspoon, Anthony	Illinois Institute of Technology	
Wojtecki, Kenneth	Chicago State University	
Wojtkowski, Edward		Ed. Fisheh Co.
Wortman, Robert	Downtown	Jewel
Wozniak, Casimer		Army
Wrobel, Craig	Moraine Valley College	Midwest Stock Exchange
Worbel, Ronald	University of Texas (El Paso)	
Yancey, John	Art Institute	
Zepeda, Richard	University of Wisconsin (Milwaukee)	

? in front of school --- Not sure about school
? alone --- Not sure or undecided about attending school or working

6/12/74

J.P.

CONTRACT

This Contract is made this —— day of ————————, 1974, by and between the Catholic Bishop of Chicago, a corporation sole ("employer"), and ———————— ("teacher") in consideration of the mutual promises herein contained and for other good and valuable consideration:

PREAMBLE

The Catholic Bishop of Chicago and the teachers recognize that they have a common responsibility according to the directive given to the Minor Seminary System in October, 1970, to:

1. Work together toward the achievement of quality Catholic education;
2. Encourage students in the development of personal stability and adaptability;
3. Give contemporary meaning to the religious and social values discernible in the life and teachings of Jesus Christ;
4. Nurture an appreciation of learning drawn from the richness of our cultural heritage and quickened by the challenge of tomorrow's world;
5. Help students to live human life most fully—as persons who know and understand themselves and their world and who can communicate with others on all levels of significant human enterprise.

The attainment of these objectives requires mutual understanding and cooperation between both parties and all members of the professional staff.

Teachers are chosen for their professional competence and for their willingness to share in the total Christian Formation program of the School. It is recognized that teaching requires specialized qualifications as well as educational requirements and that the success of the educational and formational programs depends upon the maxi-

mum utilization of the abilities of teachers who are content with the conditions under which they work, who are assured of a fair reward and security in their profession, and who are collaboratively working for the achievement of effective programs of education.

A free and open exchange of views is desirable and necessary, with all parties participating in deliberations leading to agreement in matters of mutual concern and to approaches that will increase the effectiveness of teachers in the classroom and in the community.

It is the intent that joint effort will contribute in significant measure to the advancement of personal, social, and academic growth at Quigley.

It is the intent that all discussions and conferences growing out of this Agreement be held in an atmosphere of good faith, trust, confidence, and mutual respect.

ARTICLE I

Definitions

Where used in this Agreement:

(a) *Quigley* shall mean the administrative and governing body of the Archdiocese of Chicago responsible for the operation of Quigley Preparatory School North and Quigley Preparatory School South.

(b) *Employer* shall mean the Catholic Bishop of Chicago, a corporation sole.

(c) *Rector* shall mean the person directly responsible for the operation of Quigley Preparatory School North or Quigley Preparatory School South or any such person designated by the Catholic Bishop of Chicago, a corporation sole.

(d) *Teacher* shall mean a lay person employed full time for the education of the students.

(e) *Substitute Teacher* shall mean a person employed to conduct classes in the absence of a full-time or a part-time teacher.

(f) As used herein the masculine shall be deemed to include the feminine and the singular shall be deemed to include the plural.

ARTICLE II

Fair Employment Policy

Teachers shall be hired and assigned without regard to race, color, sex, age, or national origin.

ARTICLE III

Teaching

(a) The teacher shall meet the standards of accreditation set by the Superintendent of Public Instruction of the State of Illinois and by the North Central Association of Secondary Schools.

(b) The Rector shall consult all department chairmen in connection with programming the respective school departments and in the hiring of new teachers. He shall prepare and publish a tentative teaching schedule prior to May 15 after having received the preference sheets from each teacher.

(b) Teachers shall have a duty-free lunch period of at least 30 consecutive minutes.

(c) Except in cases of emergency, teachers shall have a maximum of 25 teaching periods per week (75 fifteen-minute mods per week) and a maximum of five (fifteen mods) non-teaching supervision periods per week.

(d) The maximum pupil-teacher ratio shall be regulated by the standards of the North Central Association and the Superintendent of Public Instruction of the State of Illinois.

(e) The teacher's day shall begin 10 minutes prior to the beginning of the teacher's first period and shall end only after the termination of the school's day.

(f) All school supplies shall be purchased or otherwise obtained through the school. Professional journals and other publications shall be purchased through the school library.

(g) In the event a teacher desires to have a guest speaker address his class, the teacher himself, or his department chairman, shall request in writing the Rec-

tor's approval of such guest speaker at least seven days prior to the date of the address. Written approval of the Rector must be secured before any invitation is extended. Any disapproval by the Rector shall be given to the teacher in writing no later than two days before the scheduled address and shall be final.

(h) Teachers shall support and implement the current published disciplinary policies of the school as contained in the Handbook.

(i) When a teacher is absent and it is anticipated that his absence will be for fewer than eight school days, other members of the faculty will be assigned to substitute for him notwithstanding the limitations contained in Article III(c).

If it is anticipated that the absence of a teacher will be for a duration of eight or more school days, the Rector must consider the employment of a substitute teacher.

(j) The teacher shall be available at reasonable times for such meetings and functions as appear in the School Calendar.

ARTICLE IV

Extra-Curricular Activities

(a) The Rector shall develop a schedule of activities for the first five months of the school year no later than September 15, and for the second five months no later than January 15, and the events and rehearsals warranting pupil excuses from class shall be kept to a minimum. Deviation from the activity calendar will be made only in exceptional cases.

The Rector shall be responsible for the conduct of the entire extra-curricular program within the school. Whenever in the estimation of the Rector, after consultation with the School Council or Activities Committee, any activity being conducted does not conform to the scope of the school, such activity shall be discontinued at once. If the activity is discontinued the teacher will be paid on a pro rata basis.

(b) No fewer than 15 days prior to the filling of an extra-curricular assignment the qualifications for such assignment and the stipends to be paid therefor will be published. Certain stipends for extra-curricular activities are set forth in Appendix B. These stipends shall be in addition to the teacher's regular salary. The Rector shall make assignments in accordance with the Handbook and the policies of the school.

ARTICLE V

Salary

(a) Teachers will be paid in 20 bi-weekly installments beginning in September through June. In the event that pay day falls on a weekend or a holiday, payment shall be on the preceding school day.

(b) For the school year of 1974-1975 teachers will be paid in accordance with the salary schedule set forth in Appendix A. For the term of this Contract ———— shall be at Lane MA, Step —— and shall be paid at the rate of $————.

(c) When a teacher has earned the right to a higher salary bracket by reason of increased professional training, the transfer shall be made at the beginning of the next contractual year.

(d) A teacher beginning at Quigley who has had prior teaching experience will receive full credit for the first five years of such prior teaching experience in a secondary school.

(e) In the event that a teacher is dismissed pursuant to the terms of this Contract, all obligations of the employer to pay the teacher a salary or extend him any benefit hereunder shall cease.

ARTICLE VI

Fringe Benefits

(a) *Health Insurance*: Quigley shall pay full premium costs of individual coverage for each teacher for Blue-Cross, Blue-Shield, and Major Medical benefits. A teacher

desiring full family coverage may obtain this by paying to Quigley the difference in premium between family coverage and individual coverage.

(b) *Pension*: All teachers are covered by the Archdiocese non-contributory pension program. The cost of this program will be borne entirely by Quigley.

ARTICLE VII

Absences

(a) *Sick Leave*: All full-time teachers are entitled to 10 days of sick leave with pay each contract year. A physician's certificate will be required after five consecutive days of sickness.

Two of these sick days may be used for personal business provided such business cannot be taken care of outside of school hours. Absent unusual circumstances, the teacher shall give the Rector two day's notice of his intent to use a personal business day. Personal business days may not be taken the first or last week of the school semester nor on the day before or after a holiday.

Sick days may be accumulated to a maximum of 100 days; this is retroactive for all teachers employed as of May 1, 1974.

(b) *Bereavement Leave*: A teacher shall be allowed a maximum of three days off with pay in the event of the death of a grandparent, parent, spouse, child, brother or sister, provided that at least one of such three days be used to attend the funeral.

(c) *Leaves of Absence*: A tenured teacher may be granted a leave of absence without pay for a term of up to one school year in the following circumstances with the prior written approval of the Rector:

(1) Prolonged illness;

(2) Personal or family problems;

(3) Continued study and educational advancement.

(d) For purposes of this Article, pregnancy shall be treated the same as any other illness or temporary disability.

(e) A teacher wishing to take a leave of absence for a period entirely within a school year shall submit a written request for such leave to the Rector no later than 30 days before the date on which he desires to begin the leave and shall give the Rector written notice at least 30 days prior to the date on which he intends to return to active teaching. If the leave of absence is to be for an entire school year, the teacher no later than April 15 of the prior year shall give the Rector written notice of his request for the leave; and before April 15 of the year of his leave, of his intention to return the following September. A teacher returning from a leave of absence will be placed at the salary level he held prior to the leave of absence.

(f) If the event of absences other than those provided for in this Article a teacher's salary shall be reduced at the rate of 1/22 of his monthly salary for each day of unexcused absence.

ARTICLE VIII

Tenure

(a) A fully qualified teacher will acquire tenure in the school after three years of satisfactory work. Tenure is contingent upon evidence of professional competence and continued professional growth. A tenured teacher shall be subject to review every five years according to the procedure set down in the Faculty Handbook and continued tenured status will be contingent upon a satisfactory review. Teachers employed as of May 1, 1974, shall be considered for tenure in accordance with the foregoing procedure.

———————— is tenure; tenure was granted as of ————————.

(b) A tenured teacher may be dismissed only in accord with the provisions of this Article and the provisions of Articles X, XI, XII, XIII and XIV.

(c) Tenured teachers may be dismissed in the event of a decrease in the total number of teachers employed by the school, the substitution of priests for lay teachers,

or a decision to discontinue a particular type of teaching service. In the event of the dismissal of a tenured teacher for any of the foregoing reasons, the teacher shall receive written notice on or before April 15 together with a statement of honorable dismissal and the reason therefor.

In all cases of dismissals pursuant to this section (c), non-tenured teachers shall be dismissed before tenured teachers provided that the tenured teachers are qualified to hold the teaching positions currently available and in the order of seniority.

If a teacher is dismissed for any of the reasons set forth in this section (c), the teacher will be referred to the Archdiocese School Board for assistance in obtaining another teaching position.

(d) Tenure shall not be interpreted to restrict the power of the Rector to transfer a teacher to a position which the teacher is qualified to fill in the school.

(e) Tenure will cease for all teachers at age 65.

ARTICLE IX

Resignation

A teacher desiring to resign his position during the school year shall submit written notice of his resignation to the Rector no later than 45 days before the effective date of the resignation. A teacher desiring to resign his position at the end of the school year shall submit written notice of his resignation to the Rector no later than April 15 of the current school year.

ARTICLE X

Dismissals and Suspensions

(a) 1. *Dismissal*: Teachers may be dismissed by the Rector for good cause. Except as provided in paragraph (a) 2 of this section, section (b) of this Article and as provided in Articles XII and XIV, a teacher shall receive 30 days' written notice of his dismissal.

2. Dismissal of a tenured teacher when based upon incompetency or serious neglect of duty shall be preceded by three written warnings over at least a ninety day period. These warnings must be at least ten days apart and the last warning must be at least thirty days before the end of the ninety day period. Upon dismissal, the teacher shall be presented with a written statement of the reasons for such action.

3. Teachers, both tenured and non-tenured, may utilize

(c) *STEP 1*: Any aggrieved party may present a grievance in writing to the Rector within 10 school days after the occurrence of the event giving rise to the grievance, or within 10 school days from the time the aggrieved party should reasonably have become aware of the occurrence of the event giving rise to the grievance. If two or more grievances relate to the same matter a joint grievance may be filed and processed as a single grievance.

Upon receipt of a written grievance the Rector shall confer within three school days with the aggrieved party and others involved in the grievance. A conference shall be held at which all pertinent facts shall be brought out and an effort made to adjust the matter to the satisfaction of all concerned.

Within three school days after the completion of this conference the Rector shall make a decision and communicate it in writing to the aggrieved party. If the Rector shall fail to render a decision within the time provided, the grievance may be advanced to the next step of the Grievance Procedure.

(d) *STEP 2*: Within 10 school days after receipt of the Rector's written decision, the aggrieved party may appeal this decision to the Archdiocese of Chicago Board of Conciliation and Arbitration for processing under its rules. Such appeal shall be in writing and shall set forth specifically the grievance and the grounds on which the appeal is based, together with a copy of any decision made.

The decision of the Board of Conciliation and Arbitration shall be final and binding upon the parties.

(c) *STEP 1*: Any aggrieved party may present a grievance in writing to the Rector within 10 school days after the occurrence of the event giving rise to the grievance, or within 10 school days from the time the aggrieved party should reasonably have become aware of the occurrence of the event giving rise to the grievance. If two or more grievances relate to the same matter a joint grievance may be filed and processed as a single grievance.

Upon receipt of a written grievance the Rector shall confer within three school days with the aggrieved party and others involved in the grievance. A conference shall be held at which all pertinent facts shall be brought out and an effort made to adjust the matter to the satisfaction of all concerned.

Within three school days after the completion of this conference the Rector shall make a decision and communicate it in writing to the aggrieved party. If the Rector shall fail to render a decision within the time provided, the grievance may be advanced to the next step of the Grievance Procedure.

(d) *STEP 2*: Within 10 school days after receipt of the Rector's written decision, the aggrieved party may appeal this decision to the Archdiocese of Chicago Board of Conciliation and Arbitration for processing under its rules. Such appeal shall be in writing and shall set forth specifically the grievance and the grounds on which the appeal is based, together with a copy of any decision made.

The decision of the Board of Conciliation and Arbitration shall be final and binding upon the parties.

(e) Conferences held under this Article shall be scheduled at a time and place which afford a fair and reasonable opportunity for all persons involved to be present. The teacher and/or his representative shall have the right to be present at each stage of the Grievance Procedure and to actively participate in the procedure. The time limits provided in this Article may be extended by the written mutual consent of both sides.

ARTICLE XII

No Strike

During the life of this Agreement the teacher will engage in no strike, slow down or other concerted work stoppage. Violation of this Article shall result in the immediate dismissal of the teacher.

ARTICLE XIII

Current School Policies

The teacher will know and carry out the policies and procedures defined and outlined in the Faculty Handbook. In case of conflict, the contract statement takes precedence over the Handbook.

ARTICLE XIV

Casualty

If the activities of Quigley Preparatory School South are suspended by reason of fire, casualty, act of God, strikes, riots, public emergency, legislative, executive, judicial or administrative action or any other cause beyond the control of Quigley Preparatory School South or employer, the employer shall have the right to suspend the operation of this contract and shall be relieved of any and all obligations hereunder.

ARTICLE XV

Separability

If any provision of this Agreement shall be determined to be in violation of federal, state, or local law and thereby unenforceable, the remainder of the Agreement shall remain in full force and effect.

ARTICLE XVI

Conclusion

This Agreement shall remain in effect from September 1, 1974, until June 30, 1975. Discussions concerning a contract for the following school year will begin on or before March 1, 1975.

/s/ John L. Laney Approved by Rector	April 11, 1974 Date
Teacher	Date
The Catholic Bishop of Chicago, a corporation sole	Date

APPENDIX A

QUIGLEY PREPARATORY SCHOOL, NORTH & SOUTH

LAY TEACHER SALARY SCHEDULE

EFFECTIVE SEPTEMBER, 1974

	B.A.	M.A.	M.A. + 36—See Note 5
1st Year	$ 9,116.00	$ 9,738.00	$10,139.00
2nd Year	9,569.00	10,202.00	10,593.00
3rd Year	10,023.00	10,656.00	11,057.00
4th Year	10,487.00	11,110.00	11,510.00
5th Year	10,941.00	11,563.00	11,964.00
6th Year	11,394.00	12,017.00	12,418.00
7th Year	11,848.00	12,481.00	12,871.00
8th Year	12,302.00	12,935.00	13,336.00
9th Year	12,766.00	13,388.00	13,787.00
10th Year	13,320.00	13,842.00	14,243.00
11th Year	13,673.00	14,296.00	14,697.00
12th Year	13,842.00	14,929.00	15,330.00
13th Year	14,074.00	15,150.00	15,952.00
14th Year	14,296.00	15,382.00	16,184.00
15th Year	14,528.00	15,551.00	16,353.00
16th Year	15,036.00	16,095.00	16,925.00

1. Pension Plan for Archidocesan Program.
2. Blue Cross-Blue Shield paid by institutions for individual coverage. Family plan available at group rates paid by employee, i.e., the difference.
3. Increments or salary changes will always begin in September—i.e., there will be no changes in salary from September 1, to August 31.
4. Additions to basic salary for extracurricular services are made according to the schedule contained in Appendix B.
5. The Lane for M.A. plus 36 or more hours is applicable only to teachers employed as of May 1, 1974.

APPENDIX B

PAY SCALE FOR EXTRA-CURRICULAR POSITIONS COMMON TO QUIGLEY NORTH AND QUIGLEY SOUTH

Position	Dates	O-3	4-6	7-9	10-12	13-15
Baseball						
Varsity	22	9%	10%	11%	12%	13%
Sophomore	20	5.5%	6.5%	7.5%	8.5%	9.5%
Freshman	18	3.5%	4.5%	5.5%	6.5%	7.5%
Basketball						
Varsity	IHSA	11%	12%	13%	14%	15%
Sophomore	IHSA	8%	9%	10%	11%	12%
Freshman	IHSA	4%	5%	6%	7%	8%
Cross Country						
1-man, 2 levels	16	7.5%	8.5%	9.5%	10.5%	11.5%
Swimming						
Varsity	16	9%	10%	11%	12%	13%
Sophomore	16	5.5%	6.5%	7.5%	8.5%	9.5%
1-man, 2 levels	16	11%	12%	13%	14%	15%
Tennis						
1-man, 2 levels	16	3%	4%	5%	6%	7%
Drama Director	—	4%	5%	6%	7%	8%
Student Council Dir.	—	5.5%	6.5%	7.5%	8.5%	9.5%
Yearbook Moderator	—	5.5%	6.5%	7.5%	8.5%	9.5%
Newspaper Moderator	—	5.5%	6.5%	7.5%	8.5%	9.5%
Non-Athletic		1.5%	2%	2.5%	3%	3.5%
Athletic		Agreement among moderator, athletic director, and business manager.				

1. Percentages are used because they provide a constant correlation with teaching salaries. The percentages refer to the starting salary of a teacher with a bachelor's degree.

2. For the present school year, with a starting salary of $9,115, the percentages represent the following dollar figures:

1%	$ 91	6%	$546	11%	$1,022
2%	182	7%	638	12%	1,093
3%	273	8%	729	13%	1,184
4%	364	9%	820	14%	1,275
5%	455	10%	911	15%	1,366

3. In the first column the committee establishes the specifications for a full-scale salary. The number of scheduled dates does not include state tournament play. In the event that the school does not offer a full schedule, the Athletic Director will notify the business office so that a prorated salary can be negotiated with the teacher.

[1] BEFORE THE

NATIONAL LABOR RELATIONS BOARD
TWENTY-FIFTH REGION

Case No. 25-RC-5984

IN THE MATTER OF:

DIOCESAN DEPT. OF EDUCATION, EMPLOYER

—and—

COMMUNITY ALLIANCE FOR TEACHERS OF CATHOLIC HIGH SCHOOLS (C.A.T.C.H.), PETITIONER

Room 265, Post Office Building
Fort Wayne, Indiana
Tuesday, June 24, 1975

Pursuant to notice, the above-entitled cause, came on for hearing at 10:30 a.m.

BEFORE:

STANLEY J. DURNELL, Hearing Officer.

APPEARANCES:

MR. JAMES J. O'DOWD, Fort Wayne, Indiana, appearing on behalf of the Employer.

MR. BRUCE O. BOXBERGER, Fort Wayne, Indiana, appearing on behalf of the Petitioner.

* * * *

[3] * * * HEARING OFFICER: Is it possible to stipulate that Community Alliance for Teachers of Catholic High Schools, and I notice that you have in parentheses thereafter C.A.T.C.H., is a labor organization within the meaning of the National Labor Relations Act as amended; do you so stipulate, Mr. O'Dowd, on behalf of the employer?

MR O'DOWD: We do.

HEARING OFFICER: Do you so stipulate, Mr. Boxburger, on behalf of the petitioner?

MR. BOXBERGER: We do.

HEARING OFFICER: The stipulation is received.

* * * *

[6] * * *

FATHER JAMES SECULOFF,

was called as a witness by and on behalf of the Employer, after having been first duly sworn, was examined and testified as follows:

* * * *

[7] * * * Q What is your profession?

A I am a Catholic Priest.

Q You are a member of what Diocese?

A Diocese of Fort Wayne-South Bend, Inc.

Q And what are your duties within the Diocese of Fort Wayne-South Bend, Inc.?

A I am appointed by the Bishop to be Superintendent of Education for the Diocese, and also to assist at the Cathedral church.

* * * *

[8] * * * Q Would you describe the educational facilities that are operated by the Diocese of Fort Wayne-South Bend?

A Yes. We have over 16,000 students in our schools. We have 47 grade schools and five Diocesan high schools, and this is under the jurisdiction of the Diocesan Board of Education and the Office of Education.

Q How is the enrollment divided between high school and elementary school?

A We have approximately 3,600 in the high schools, maybe a little more, or 3,700, and the rest are in the grade schools.

Q What is the approximate budget of the high school operation by the Diocese?

A That is a tough question. I wanted to bring Frank Nichols with me. He is my financial administrator and he has all of the records on it. I couldn't say exactly.

Q Is it in excess of one million dollars?
A Yes, it would be in excess of a million.

* * * *

[13] * * * Q (By Mr. O'Dowd) Father, would you name the names of high schools being presently operated by the Diocese?

A Yes. We have St. Joseph High School in South Bend. Did you want to know how many students?

Q Yes, tell us something about each one of those schools, the students and the teachers?

A Well, St. Joseph High School in South Bend had last year 1,028 students. The direct management, or the building management, building administration is in the hands of [14] the Brothers of Holy Cross. The Brothers provide approximately ten teachers plus a principal and some guidance. There are about three or four sisters, I think, there at St. Joseph of the congregation of Holy Cross. The rest are made up of lay leaders, approximately I think 33 full time lay teachers something like that.

Marion High School in Mishawaka, which is really connected to South Bend in geography as it is only separated by a street with houses on both sides, it is just kind of a strange boundary line there, and it has students from South Bend in the school. Marion has about 625 students, or I think some where around in there, and they have a lay principal but they have the Salvatorian Fathers there. They have one Salvatorian Brother in charge of maintenance, one Salvatorian who is a teacher and one required Salvatorian. They have about four teachers of the Franciscan Order and the rest are lay teachers.

Then we have in Fort Wayne Bishop Luers High School which is operated by the Diocese but managed pretty much by the Franciscan Fathers who have approximately ten teachers, I think, plus some administration. They have about three or four sisters of the Franciscan Order come over and the rest are lay teachers, and they have about 180 students, or some where around in there.

Bishop Dwenger High School has a High Ossian Priest [15] as principal and has a couple of Diocese priests teaching in the religion department, and has two Sisters of the Poorhand Maids Order from Donaldson, Indiana, and I think they have about six sisters there, and the rest are lay teachers, and has there about 1022 students, I think.

Huntington Catholic High School has Mr. Keenan as principal. He is a lay principal. They have one sister on the staff from the Franciscan Order in Mishawaka and the rest are lay teachers. They have 160 students, approximately.

So that is the make-up of our five high schools as far as enrollment and building management and school management.

Q How about the elementary schools, speaking of them en bloc?

A We have 47 elementary schools. We have about 20 in the Fort Wayne area and 20 in the South Bend area and the other ones are kind of scattered around over the countryside like Wabash, Decatur and everywhere else. Now we have 16 different Orders involved in those schools. They have about six schools that don't have any religious, all lay teachers.

Q When you speak of religious orders, you are speaking of men and women?

A Yes, religious orders of women. We do not have any [16] men in the grade schools. We hope to have a group of Brothers in one of the grade schools next year but we don't have them yet, and we have approximately 225 Sisters in the whole system, including grade and high, and all the rest of the teachers, we have about 750 teachers approximately. All the rest are lay teachers then. Well, maybe we have about 50 men religious, not quite that many, 25 male religious, but all of the rest of them are lay teachers in the grade schools.

Q Are these buildings or the schools constructed and owned by the Diocese of Fort Wayne-South Bend, Inc.?

A Yes, I think all of the buildings in the Diocese are somehow owned by the Diocese, although they are maintained by the parishes of the grade schools.

Q Who are you responsible to, Father Seculoff?

A Well, I am directly, of course, responsible to the Bishop who appointed me, but I am also Executive Secretary of the Diocesan Board of Education, and I am also Secretary of the Fort Wayne-Huntington Board of Education.

Q Do you know the number of counties that the Fort Wayne-South Bend Diocese includes?

A We include ten counties in the northeast part of Indiana.

Q They run from the Ohio line west to South Bend, Indiana, and down to Wabash on the south, approximately?

[17] A Yes. We go to the Michigan line on the north and the Ohio line on the east and then the southern part goes down along the Wabash-Bluffton area over to around Donaldson, and then up through New Carlisle, just a little west of South Bend.

MR. O'DOWD: I have no further questions at this time.

HEARING OFFICER: Mr. Boxberger?

CROSS EXAMINATION

Q (By Mr. Boxberger) Father, you discussed, when Mr. O'Dowd was questioning you, the structure of the Diocese itself as far as education is concerned. Could you briefly describe that structure from the Bishop down to the Parish Committee on Education?

A I will try. It is kind of tough.

Q Sure.

A The Bishop has the care for all the Catholics in the counties. I think there are about 165,000. The Bishop then appoints Superintendents of Education, and I report back directly to the Bishop. I am kind of his arm in the area of education because he has too many fields. He has social work and all these different kinds of things, and he has people to be kind of his extension in those areas, and I am his extension in the education area. We have instructions for the Diocesan Board of Education which is in the policy handbook and the same for the

area boards, and that kind [18] of explains all of that, and everybody gets a policy handbook, or the Pastor gets one and the Principal gets one and there is supposed to be one in the library so all of the teachers can read it.

Q You mentioned the Diocesan Board of Education. Just briefly in a sentence or two what is the job of the Diocesan Board of Education?

A The job of the Diocesan Board of Education is basically to see that all of the children in the Catholic schools are getting the best possible education.

Q Now underneath the Diocesan Board of Education there is the Boards of Education?

A Yes, there are area Boards to the Diocese.

Q All right, and underneath this area Board of Education there is a High School Board of Education?

A There is also an Advisory Board to the Principal basically, but can bring matters up to the area Board.

Q Does this Board deal with education vis-a-vis the five Catholic high schools in the Diocese?

A Each high school board is different. Each high school has a board and they do advise the principal on matters quite often relating to the physical grounds, you know, such as they need a new roof and this kind of thing. We work within the structures set up by the Diocesan Board. If something is not spelled out specifically in those policies, [19] we can make some kind of a ruling on how they can operate.

Q But that Board's function is just to look at problems in a continuing fashion as you said at the high school level?

A Right. That is the Advisory Board.

* * * *

[22] * * * Q But all five Catholic high schools have tuition?

A All five have tuition.

Q Who figures out the budgets for the high schools?

A Well, according to our policy that is one of the jobs of the Board to help advise the principal on the budget matters and after they work that out then they present that budget to the area board and they back and

forth work it over and then they send it to the Diocesan Board for approval and if the Diocesan Board approves it, that is the budget.

* * * *

[27] * * * HEARING OFFICER: Father, I have a few questions that I would like to ask you at this time.

EXAMINATION

* * * *

[30] * * * Q Father, who hires the principals for each school, whose responsibility is it to hire the principal for each of the high schools for instance?

A Well, the St. Joseph principal is appointed by what they call the Provincial of the Order which is like the [sic] honshow.

Q Is the Order responsible in each case for providing the principal?

A Just at St. Joe and Bishop Luers. Then the Office of [31] Education and the Board, it is mostly administration so usually the superintendent takes the task of having a committee and all this and interview people who want to be principals.

Q So that you would in your position?

A Yes, I would have an important say-so in that. Bishop Luers High School is appointed by a Franciscan Provincial with the approval of our Bishop. St. Joseph High School is appointed by the Provincial of the Brothers of the Holy Cross with approval of the Bishop. The Marion, Dwenger, and Huntington Catholic schools are more or less appointed or hired or whatever you want to call it by the superintendent in the office of education with the approval of the board and the Bishop.

Q And who owns the grounds and the buildings? I don't know whether we have established that or not.

A The Diocese of Fort Wayne-South Bend, Inc., owns the grounds and the buildings to my knowledge.

Q And who hires the faculty for each of the schools, whose responsibility is it to hire the faculty?

A The faculty is hired by the principal of the school, but the principal is supposed to go through our personnel files, which they do generally.

Q These are files that you or which are maintained by the Diocese?

A Right. When a teacher wants to work in one of the schools [32] he must apply to the Diocese. That is both grade and high school. Then we have a whole file set up on his transcriptions, letters of recommendation and all this kind of thing. Sometimes the principal will hire somebody without going though my office but it is rare.

* * * *

[33] * * * Q Father, is the sole purpose of the schools maintained by the Diocese that of a religious education?

A I would say the purpose of the schools would be for a total education which would include not just academic, not just physical, but also religion.

* * * *

[34] * * * HEARING OFFICER: On the record.

The Petitioner on May 20, 1975, in writing requested recognition as bargaining agent for the employees in the requested unit. The employer—oh, is this date accurate, May 23?

MR. BOXBERGER: Yes.

HEARING OFFICER: On May 23, 1975, was that in writing or oral?

MR. O'DOWD: I have no knowledge.

MR. BOXBERGER: I think it was orally.

HEARING OFFICER: The employer on May 23, 1975, orally refused to grant recognition unless and until the Petitioner was certified by the National Labor Relations Board. I may add that even that is not necessarily true in this case based upon the constitutional question of the jurisdiction.

* * * *

[38] * * *

FR. JAMES SECULOFF,

resumed the witness stand and continued his testimony as follows:

REDIRECT EXAMINATION

Q (By Mr. O'Dowd) Father Seculoff, since the luncheon break have you been able to ascertain the financial data regarding the gross budget for the high schools of the Fort Wayne-South Bend Diocese?

A Yes, we have.

Q Are these budgets for the up-coming school year?

A Yes, they are.

Q Is there anything more current than what you have?

A No, this is the most current.

Q Would you want to indicate what the budgets are for each of the five high schools?

A Okay. The Bishop Dwenger High School, 1975-76 school year budget, estimated enrollment 1,025 students. Total expenses $707,655. Total deficit, $200,555.

The proposed annual budget for 1975-76 Bishop Luers High School, estimated enrollment 1,000; total expenses $640,950; total deficit $173,750.

Proposed annual budget for Marion High School [39] 1975-76, estimated enrollment 550 students; total expense $485,830; total deficit $163,450.

St. Joseph High School, proposed annual budget 1975-76, estimated enrollment 1,020 students; total expenses $685,245; total deficit $159,165.

Huntington Catholic High School, estimated enrollment 160; total expenses $72,000 and expected deficit $18,000.

Q Would you be able to give us an approximate deficit figure for the five high schools?

A If I added them up. About $750,000, some where around in there.

Q Where do you suppose that this deficit shall come from?

MR. BOXBERGER: Mr. Hearing Officer, objection. We are establishing jurisdiction here once again. I don't see where the deficit has anything to do with this question.

HEARING OFFICER: No, I think the answer to this question is relevant. I will overrule the objection.

A We hope to get the money from the parishes basically, and maybe some fund raising campaigns like selling candy or something.

Q I beg your pardon, how?

A Like some fund raising campaigns such as selling candy or something like that.

Q Selling candy to offset a $750,000 deficit?

A No. Most of it would be from the parishes.

[40] HEARING OFFICER: Father, may I ask what would be done with a deficit of this type should these means be unsuccessful?

A Well, we will have to close the school.

HEARING OFFICER: And other than that what would you do?

A Like I said, sell candy, you know, and try—

HEARING OFFICER: What have you done in the past, for instance has the Diocese—

A We have gone to the Diocese for $170,000, but the Diocese says they are not going to make that up, we have to run it on our own.

HEARING OFFICER: But in the past the Diocese has?

A Yes, sir. In they past they have but the Board of Trustees for the Diocese says that is way too much money and they couldn't do it.

HEARING OFFICER: Now you say you have gone to the Diocese for $170,000, for this coming fiscal year?

A For last year.

HEARING OFFICER: For last year, the Diocese did then underwrite?

A Yes. Now the only place we can get the money is from the parishes or from some kind of fund raising campaign.

HEARING OFFICER: Okay, I am sorry to interrupt you.

MR. O'DOWD: That is all right.

Q (By Mr. O'Dowd) Now, Father Seculoff, you brought along [41] by request the gross revenue and indicated deficit for the ensuing year for the high schools. What can you tell us about the 47 elementary schools in the Diocese?

A Well, we are having a real problem with money because our expenses in high schools over the past years have increased 400 percent and our collections have not increased that much.

Q Which collections?

A Our Parish church collections that run the schools. It is the parish church collections that run our schools. Now a few years ago our costs were around $6,500,000 and then we went up to around $7,000,000. Well, we are up around $8,000,000 and we are only getting around $8,000,000 in the collection basket. If the costs of our schooling increases much more we are spending more for education in our Diocese than we are taking in the collection basket and something has to give. That is where we are.

Q Are you able to state what percent of the total gross income is attributable to education?

A I can't state the gross. I can say what comes in on the collection plate is about $8,000,000. See, we get bequeaths when people die and I think we have a portfolio of a few dollars that brings in interest and this kind of thing, so I don't have a complete record of the total which the Diocese gets in totally, but what we get in by way of the [42] collection plate is around $8,000,000 in our schools and what we pay out is about $8,000,000. So the Diocese is run on what comes in besides that.

Q Does the Diocesan Board of Education have a rule of thumb that when a parish school exceeds 50 percent of the parish gross income the school is discontinued?

A Oh, no, that was up around the Detroit area. We have several of our parish schools which are paying 75 percent of this parish's income just on grade school, plus they have the assessment for the high school and that is all educational expenses, plus they have CCD expenses which are educational expenses.

HEARING OFFICER: What is that?

A That is for teaching Catholic religion that are in public schools. It is kind of like Sunday School.

Q How many grade schools have been closed in this Diocese in the last ten years?

A I think 12, some where around there.

Q For what reason?

A Well, all of them were financial. We did consolidate a few and so you might say part of the reason was enrollment.

Q This morning you indicated that there were ten counties in the Fort Wayne-South Bend Diocese; is that a correct figure?

A No. Since we went back to the office to look up this [43] money, I took an official director and there are really 14 counties.

Q Would you indicate them by name?

A Yes. Starting over here on the east we have Steuben County, DeKalb County, Allen County, Adams County, and as we head west Wells County, Huntington County, Whitley County, Noble County, LaGrange, Elkhart, Kosciusko, Wabash, and further west Marshal and St. Joseph. I think what happened * * *

* * * *

[45] * * *

EXAMINATION

Q (By Hearing Officer) We touched on this briefly but I would like some clarification on it. You indicated that [46] teacher vacancies are filled generally by the principals but that they consult the central files of the Diocese, so to speak, with regard to information to individual teachers in the Diocese. You indicated however that from time to time principals may employ someone in a teaching position directly without first conferring with your office. Must teacher applicants be referred by the Diocese as a general rule?

A Yes, according to our policy handbook.

Q Before they are hired?

A Yes.

Q And must these teachers be approved by the Diocese before they are hired?

A Well, Bishop Luers, according to the contract with the Order, says that they have the right to hire their teachers and some times I would say, "I don't want that teacher to be hired in," and they will say, "Well, we have the right to hire them any how," and so they did and so we let that go, we didn't hassle too much.

Q This is with regard to one of the five schools?

A Yes.

Q What is the practice at the other four?

A Well, St. Joe some times does something like that, too, only they might just hire them and then tell us, but the other three follow the policy handbook pretty much.

[47] Q Which is to seek not only your referral but your approval before employing teachers?

A Yes.

* * * *

[54] * * *

REDIRECT EXAMINATION

* * * *

[56] * * * Q What is the purpose of maintaining a Catholic or parochial school system?

A Well, the total purpose is, we believe that a child is not just composed of body, you know brains and flesh, but he also has a soul which lives forever and so we say a totally educated child will be educated along with body, science or academics, and also spiritual stuff. The public schools they can't put in a spiritual dimension and so that is the reason our Catholic schools exist, for this added [57] dimension. Even children who are not Catholic, if they chose to come to a Catholic school, would be taught the Catholic faith and they would go to the classes for religion.

* * * *

[61] * * * Q Now I am going to direct your attention to the category elementary or grade school teachers and ask you to refer to the policy handbook where the

contract for teachers in the Diocese of Fort Wayne-South Bend appears.

A Okay, that will be in the 4000 series, personnel. The contract is 4300. Elementary and high school teachers use the same contract form.

Q When was that contract revised?

A 1975, just this year.

Q Is there anything on that form of contract that differentiates between elementary school and high school teaching?

A No. The only thing may be, you could say was that where we have the pastor or the principal. When we say pastor or principal we mean that the pastors signs the contracts for the elementary schools and the principal signs for the high schools and they use the same form.

* * * *

[63] * * *

RECROSS EXAMINATION

* * * *

[65] * * * Q Father, do we have non-Catholic teachers in the five Catholic high schools of any of them?

A Yes, we have some non-Catholic teachers.

* * * *

[76] * * * Q Father, as far as policy considerations in regard to teaching curriculum, things of that nature, do the same individuals make these decisions in the school both in the elementary and in the secondary within the school itself?

A Who makes decisions regarding administration?

Q Basic teaching policies as to courses?

A Well, that comes through the Board.

[77] Q What about the timing of classes and things of that nature?

A That comes through my office through the State of Indiana. In other words I just can't say we are going to teach just four hours a day. The State of Indiana requires six. We have to teach six if we want to maintain certification. Now we don't have to maintain cer-

tification with the State, we just do it because we think the kids have a right to it.

* * * *

[90] * * * HEARING OFFICER: Father, I have some questions.

EXAMINATION

Q (By Hearing Officer) Father, the policy handbook, who prepared that handbook?

A Okay. What happened is we had no written policy handbook as such when I came into office. We had a lot of unwritten policies and ideas floating around and we had regulations and rules. So the first thing I did as superintendent said we have to have some organization in this office. So I started compiling all of the unwritten policies, all of the rules, regulations, and all this. Everything I could find I wrote it down. I took this to the Board. It was our work for about a year and a half.

Q The Diocesan Board?

A Diocesan Board, it was our work for about a year and a half to go through all of the past practices and policies and now this is the one that we prepared, all of the policies we wrote them and typed them up through our office, but it was the Board that finally okayed them and made the policy. This was basically about four years ago.

Since that time we have updated it constantly. Anything, for example the big thing in front of the Board now is privacy of family rights and privacy act, this new one out. We are working on those policies now. We don't have to follow them because we are a private school, but it is our kind of feeling [91] of the Board that if it is a good law we will try to follow it even though we don't have to, you know what I mean. So this is being worked on now, so it is the job of my office to prepare the written policy and have them approved by the Diocesan Board.

Q To your knowledge then did the petitioner in this case participate in the preparation of the handbook?

A This group?

Q Yes.

A They don't even have a group. They have just started.

Q So the answer to the question then is, no?

A Not this group. The CTA did.

Q What is the CTA?

A That is the Catholic Teachers Association.

Q And what does that group encompass?

A That includes all of the teachers in the Catholic schools, grade and high, religious and lay.

Q And the membership in that organization is voluntary or mandatory?

A No, not mandatory; voluntary.

Q Do you know whether or not the Diocese had anything to do with the creation of that organization?

A No, the Catholic teachers did, especially Mr. Joseph Woods got together with many teachers and said, "We want a voice in what we are doing here and this is the way to [92] do it."

Q And did the Diocese bargain with the organization in regard to matters affecting wages, hours, and other conditions of employment?

A They invited the officers to come into the Board meetings and for their input, but it wasn't like we had to do what they said, no. It was an informal thing. Now I belonged to that organization myself so I know about it.

Q So that you encouraged this input but the final decision on policy rested with the Diocese?

A It still does.

Q And particularly with your office?

A Well, particularly with the Diocesan Board.

* * * *

[93] * * * Q Is the handbook used as a guideline for policy on a day to day basis as they are found in the schools?

A Oh, yes.

Q And also for wages, is it used for that purpose?

A Yes. Every school in the system has to follow the policies of the book.

Q And other stipend which may be forthcoming?

A Yes.

Q Who has exercised ultimate control over the faculty wage scale?

A The Diocesan Board of Education is the one who finally determines what it will be, but this will be after the input of different people.

Q Is the Diocese a party to teacher contracts?

A You mean does the Diocese have to negotiate them?

Q In effect do they approve the contracts or are they signatory to the contracts?

A If you mean do we take a list of all our teachers and present it to the Board like in public schools, we don't do that in the Catholic schools. If a principal signs it or if a pastor signs it the Diocese is obligated to it. We give that power to the principal and the pastor.

[94] Q Okay. So actually the principal or pastor is the agent of the Diocesan Board?

A Right.

* * * *

[95] * * * Q Who is the one person vested with the ultimate authority for governing and operating the schools in the Diocese?

A Well, as I said, I am an extension of the Bishop. The Bishop has, I guess, the final say, but he has never contradicted the Diocesan Board. The Board has a big input.

Q Has the Diocese participated in resolving grievances which arise between faculty members and their schools?

A Oh, yes, that is part of their job.

Q Does the Diocese maintain copies of teacher contracts?

A Oh, yes.

Q Are there uniform health and pension plans available to all employees of the Diocese, all teachers?

A Yes, all teachers have the same benefits. Now the Diocese doesn't pay the health and accident but they provide a group policy and if the teacher wants in on it the teacher pays it.

Q And that is voluntary?

A Yes, they can get in on it if they want. One of the things we discussed with the CTA was whether they would like to have us not increase the wages so much but give them this instead, and I sent out a questionnaire and it came back about two or three to one that they would rather have the money.

* * * *

[96] * * * Q What about a pension plan, is there any pension plan for teachers in the Diocese?

A We have a retirement plan and the teachers don't pay into that at all. We pay it all ourselves.

* * * *

[109] * * * Q Earlier you mentioned the IHSAA. What is that?

A Indiana High School Athletic Association. They have agreed to take in our Catholic schools but we must follow all of their rules, and it gets tough for us because we have to watch out about tuition. If we pay somebody's tuition as an athlete then we forfeit all of the games. So they have a lot of rules that make it a little tough for us and we have to be careful about it.

* * * *

[143] * * * Approximately what number are we talking about when we talk about departmental chairmen?

A Well, you have the basic departments of English, math, science, business, history, religion, fine arts, and maybe [144] the languages. I think about eight in each school.

* * * *

DIOCESE OF FORT WAYNE-SOUTH BEND

Fort Wayne, Indiana

GUIDELINES FOR FORMULATION AND UPDATING POLICY MANUAL

General Format and Definitions

A. Blue pages indicate policy.
Yellow pages indicate rule or regulation.

B. *POLICY* is adopted by the Diocesan Board of Education.

RULES AND REGULATIONS are formulated by the Superintendent and his staff in order to implement the policies.

C. *POLICY* is defined as a guide for discretionary action.

RULES AND REGULATIONS are defined as a specification for required action.

D. The Board may approve Rules and Regulations occasionally if the Superintendent does not want the discretionary powers, or if the rule is a part of the law governing the operation of schools.

E. Some of the policy pages are not true policy but philosophy statements, or in some cases as in the teacher salary schedule and related policy, they are for the most part Rules and Regulations. They are, however, adopted by the Board since they are negotiated.

2000

School Administration

Bishop

As a chief shepherd of souls, the Bishop of the Diocese of Fort Wayne-South Bend is the chief teacher of the diocese. All policies and practices of the schools of the diocese are subject to the review and approval of the Bishop.

Policy
Adopted: July 1969

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

2000(a)

School Administration and Personnel

Diocesan Board of Education

The Diocesan Board of education is a body composed of a representation of clergy, religious, and laymen, of which the Bishop is an honorary ex-officio member. The Superintendent of Schools and the Assistant Superintendents serve as non-voting ex-officio members. This Board shall govern all matters pertaining to elementary and secondary education in the schools of the Diocese of Fort Wayne-South Bend, including all matters pertaining to formal Catholic education, Confraternity of Christian Doctrine, Newman apostolate, adult education and works of this nature.

Policy
Adopted: July 1969

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

2000(b)

CONSTITUTION

DIOCESAN BOARD OF EDUCATION

ARTICLE I

Title

There is hereby established a board, under the name of Board of Education of the Diocese of Fort Wayne-South Bend, Inc.

ARTICLE II

Nature and Function

SECTION A.

1. This board shall govern all matters pertaining to education in the Roman Catholic Diocese of Fort Wayne-South Bend.
2. Saving the provisions of Canon Law, all decisions of the Diocesan Board of Education shall be binding upon the Superintendent of Education, the Department of Education, and the pastors, principals and staffs of the Diocesan Schools and respective Boards and Committees.
3. All decisions shall be subject to the approval of the Bishop who will consult with pastors or other named representatives when he deems is necessary.

SECTION B.

Duties and Functions: The Board of Education of the Diocese of Fort Wayne-South Bend, Inc. shall formulate Diocesan educational policies. On matters of major importance, before final decisions are reached, the recommendations of the Area Board will be considered unless the Board shall suspend its rules by an affirmative two-thirds (⅔) vote of the members present.

1. Approve the location, planning, staffing, opening, closing (even of one grade) and consolidation of Diocesan Schools, and the building and equipping of schools and faculty houses. This includes all Catholic education: Adult, Confraternity of Christian Doctrine as well as Catholic Schools.
2. Approve the areas to be served by elementary and secondary schools.
3. Approve class size, Teachers' qualifications and salaries.
4. Approve the measures and sources of financial support of the Diocesan Schools.
5. Regulate standards of education: formulate policy in matters affecting home and school relationships, school and community relationships, and school and government relationships.
6. The Ordinary of the Diocese of Fort Wayne-South Bend appoints the Superintendent. However, the Diocesan Board of Education continually evaluates the work of the Superintendent and can recommend to the Ordinary when a change is necessary.

ARTICLE III

Membership

SECTION A.

1. The Ordinary of the Diocese of Fort Wayne-South Bend shall be an ex-officio member of the Board and Honorary Chairman of the Board of Education.
2. Any person working within and compensated by the Diocesan educational system in any official administrative or teaching capacity shall not be eligible for membership on the Diocesan Board of Education.

3a. Voting members of the Board shall consist of the following: One priest member from each of the

two areas, Fort Wayne-Huntington and South Bend, elected by priests from the areas involved. Two lay persons from each of the two (2) areas—Fort Wayne-Huntington and South Bend. These members to be selected according to each Area Board of Education's discretion.) Three (3) members to be appointed by the Ordinary of the Diocese. Vacancies on the Board will be filled in the same manner.

3b. Non-voting members of the Board shall be the Superintendent of the Department of Education and the Director of Religious Instruction and Confraternity of Christian Doctrine or their respective representatives.

3c. A vote may be validly cast either in person or by genuine absentee ballot. In the latter case, the precise item to be voted on must be known prior to the meeting.

SECTION B.

Each member shall serve a term of three years, with the exception that the original members shall serve terms varying from one to three years, to be determined by lot, according to the following plan.

Replace at end of one year: 1 Priest and 1 Layman;

Replace at end of 2nd year: 1 Priest, 1 Layman and 2 appointed members;

Replace at end of 3rd year: 2 Laymen and 1 appointed member.

Members may serve two consecutive terms only.

SECTION C.

Terms of office shall expire June 30, each year.

SECTION D.

Any member of the Board, other than an ex-officio member, who is absent from three regular board meetings during any one year, shall cease to be a member of the Board, and will be so notified, in writing, by the Secretary of the Board.

ARTICLE IV

Officers and Duties

SECTION A.

1. The Officers of the Board shall consist of a President, Vice-President, Secretary and Executive Secretary (Superintendent of Education) all of whom except the Executive Secretary shall be elected annually by the Board membership at the regular meeting in June; and shall hold office for one year.
2. Officers may serve only two consecutive terms in the same office.

SECTION B.

1. Any voting member of the Board is eligible for office.
2. Officers of the Board will be elected by a majority vote of the Board.

SECTION C.

The duties of the officers shall be as follows:

1. The President shall preside at all regular and special meetings of the Board.
   A. The President shall appoint all Committees. This shall include standing committees of finance and constitution.

B. The President shall report the actions of the Board to the Ordinary of the Diocese, if he is absent from a meeting.

2. The Vice-President shall perform all the duties of the President when he is absent or unable to act.

3. The Secretary shall maintain a written record of all acts of the Board; conduct, receive and dispose of all correspondence as directed, preserve all reports and documents committed to his/her care.

The Secretary shall see that all notices are fully given in accordance with the provisions of this Constitution. The Secretary shall see that the signatures of the Ordinary of the Diocese, Superintendent of the Board of Education, the President, and Vice-President of the Board are affixed to all documents, the execution of which on behalf of the Board under the affixed signatures is duly authorized and when so affixed can attest the same. The Secretary shall send copies of the minutes within (2) weeks after the meeting.

SECTION D.

The Executive Secretary (the Superintendent of the Department of Education) shall act as an advisor to the Board, and will be responsible for the administration of the policies, and directives of the Board, he will be responsible for reports, and policy suggestions of professional nature.

ARTICLE V

Meetings

SECTION A.

The Board shall meet in September, November, January, March and June. The time and place of the meetings for the ensuing year shall be

established by the vote of the Board at the September meeting each year. At least a three day notice of place, day and hour of all meetings must be delivered in writing.

SECTION B.

Quorum: A majority of the entire Board is necessary for the transaction of official business.

SECTION C.

A majority of those present and voting shall be sufficient for any decision or election unless otherwise specified in the Constitution.

SECTION D.

In an emergency, business of a non-financial nature, may be transacted without a quorum, by a majority vote of those present. All members must be notified of emergency meetings.

SECTION E.

All meetings of the Board shall be open meetings unless designated as being executive meetings. Decisions made in executive sessions must be presented and voted on at open sessions before becoming a matter of public record.

The Executive Secretary shall make public notice in advance of all open meetings.

The right of non-members to address the Board shall be limited to those whose written petition has been approved for the agenda in advance of the meeting.

SECTION F.

The rules of parliamentary procedure as contained in *Robert's Rules of Order* shall govern meetings of the Board.

ARTICLE VI

Department of Education

SECTION A.

There shall be a Department of Education in the Diocese of Fort Wayne-South, Bend, Inc.

SECTION B.

The Superintendent of the Department of Education shall be appointed by the Ordinary.

SECTION C.

The Superintendent of the Department of Education shall make such other staff appointment's he may deem appropriate, all having such compensation and other terms of employment as the Superintendent may deem proper, subject to the approval of the Board.

SECTION D.

The Department of Education shall be under the direction of the Superintendent, and under his direction he shall have immediate charge and control of the general administrative supervision of the Diocesan Schools. This is amplified in the Diocesan Board Educational Policies Handbook.

ARTICLE VII

Amendments

This Constitution may be amended, supplemented, suspended or repealed in whole or in part, at any time by a two-thirds (⅔) vote of all the members of the Board, concurred in by the Ordinary of the Diocese of Fort Wayne-South Bend, Inc.

Constitution
Adopted: October 8, 1974

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

School Administration and Personnel 2010(a)

Area Boards of Education

The Area School Boards of Education within the Diocese of Fort Wayne-South Bend shall have jurisdiction of Catholic education namely, the Fort Wayne-Huntington area and the South Bend-Elkhart area. These two Boards shall conform to the educational policies determined by the Diocesan School Board.

Policy
Revised: Oct. 8, 1974

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

School Administration and Personnel 2020(a)

The High School Board of Education

The Diocesan Board of Education has recommended the establishment of Boards of Education on the high school level.

Each High School Board of Education shall adopt and operate under a constitution which will be similar to and based in principal upon the recommended model constitution prepared by the Catholic Association of Secondary Principals and adopted by the Diocesan Board of Education.

All constitutions of High School Boards of Education must be approved by the Diocesan Board of Education and must be on file in the Diocesan School Office.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

2054

School Administration

Superintendent of Schools

The Superintendent of Schools in the Diocese of Fort Wayne-South Bend is appointed by the Bishop and is directly responsible to him for the administration and supervision of Catholic Schools within the Diocese. It is his duty to provide leadership in continuously studying the educational needs of the school system. With his staff, he aids in the implementation and development of programs and practices which are designed to ensure a balanced quality education. He also interprets and implements regulations established by the state authority as they refer to the schools. As chief administrator, he retains final authority, subject to the action of the Diocesan Board of Education.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

2056(a)

School Administration

Superintendent: Job Description

Serves for the Diocesan Board of Education as the executive officer administering the school system in accordance with State laws and Board policies. Develops and administers rules and regulations for school operations within the scope of Board policies.

Provides the intellectual academic leadership for the school system on all matters in order to provide best possible educational opportunities for all students.

Recommends to the Board for their action all items concerned with the current and future operations of the school system including but not limited to the employment, assignment, and retention of all certified and

classified personnel, building and finance programs, annual budget, and curriculum including textbooks and instructional materials.

Continuously appraises and improves all facets of the school system as to effectiveness and efficiency of operation. Assumes all other responsibilities and duties of the total school system as may be assigned by the Diocesan Board of Education.

Policy
Adopted: January 11, 1971

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

2110

School Administration and Personnel

The Principal

Secondary

The principal is the educational leader of the school and is directly responsible for the proper functioning of the instructional program, and for stimulating imaginative and innovative procedure in the school. The principal acts as a liaison between two groups: The Board of Education and the school; the community and the school. He is the executive officer of the School Committee of Education.

Elementary

The principal of the school is the executive director of the school. She administers, supervises, and coordinates all educational activities within the school. She executes the directives of the Diocesan School Office and her religious superiors, and she works in close harmony with the pastor of the parish. Her responsibility of educational leadership and care extends to the lay teacher

in her school. She unites Sisters and lay teachers into a harmonious working body.

July 1969
July 20, 1970

Monsignor Lester &
SECONDARY SCHOOL PRINCIPALS
Diocese of Fort Wayne-South Bend

3250

Business and Non-Instructional Operations

Operating Capital: Secondary

The primary source of operational income is tuition. The additional money needed for operational costs shall come through the Area School Board.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

3414

Business and Non-Instructional Operations

Educational Assistance Assessment

The parishes still owing the Area Educational Assistance Assessment may apply to the Diocese for a loan to cover payment of this responsibility. Interest will be paid on these loans at the rate of 4% per year. These loans will be repaid within a reasonable period of time to be determined by the Diocese and the borrowing parish.

Parishes who fail to meet their assessment and do not apply to the Diocese for a loan for this purpose must then answer to the Area Board for their failure to comply. It is the responsibility of the Area Board to see that the area collections of the Educational Assistance Assessment are sufficient to meet all of the expenses incurred by the schools and programs under the jurisdiction of

the Area Board. The Area Board's collection responsibility extends back to the school year 1969-1970 as well as school year 1970-1971.

Policy
Adopted: January 25, 1972

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

4210

Personnel

Teacher

Pope Pius XI epitomizes the role of teachers in his *Encyclical on Christian Education of Youth*:

> Perfect schools are the result, not so much of good methods as good teachers who are thoroughly prepared and well-grounded in the matter they have to teach; who possess the intellectual and moral qualifications required by their important office; who cherish a pure and holy love for the youths confided to their care because they love Jesus Christ and His Church, of which these are the children of predilection; and who have therefore, sincerely at heart the good of the family and country. They work directly under the principal of the school. Their intellectual and moral qualifications must be adequate to the great task entrusted to them.

Certification

Applicants for a regular teaching position in the Diocesan Schools must have, or show eligibility for, an Indiana Teacher's Certificate before employment.

Applicants for a regular teaching position shall have completed the program of teacher education in an institution of higher education recognized by the Commission on Teacher Training and Licensing of the Indiana State Board of Education.

The individual teacher shall be responsible for having current licenses recorded in the personnel office and for having such licenses revalidated as necessary.

Policy
Adopted: January 11, 1971

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

4301

Personnel

Contract and Contract Period

Contract Period

1. The contract shall be written for a 9½ month school year within the 40-week period as designated in the official school calendar adopted by the Area Board of Education.

2. All teachers who will not be returning for the following school year are expected to submit a letter of resignation prior to April 1 of the current school year.

3. All teachers who will not be awarded a contract for the following year and have not submitted letters of resignation will be notified before May 1 of the current school year as to termination of the contract. A teacher has the right to appeal his case to the Area Board of Education.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

4302

Personnel

Employment Practices

All teachers shall be employed on the basis of their professional qualifications and certifications in accordance with the licensing standards as prescribed by the laws of the State of Indiana and the regulations of the Diocese of Fort Wayne-South Bend for the assignment involved. Marital status, sex, race, color, or national origin shall not be made a condition of employment. Before any regular teacher with less than a degree or proper certification is employed, every effort will be made to employ a qualified teacher.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

OFFICE OF EDUCATION · DIOCESE OF FORT WAYNE SOUTH BEND

TEACHER CONTRACT

The Pastor or Principal of _____, representing the Diocesan Board of Education, hereby appoints the Teacher hereinafter named to teach in the school named above for the period indicated and subject to the terms and conditions herein stipulated, as follows:

FOR THE SCHOOL YEAR 19___-19___ SUBJECTS(S) _____

NAME OF TEACHER _____ SOCIAL SECURITY #_____

ADDRESS _____ CITY & STATE _____ ZIP _____ PHONE _____

COMPENSATION: $_____ PER SCHOOL YEAR PAYABLE IN ___ OR ___ EQUAL PAYMENTS BEGINNING IN SEPTEMBER OF THE SCHOOL YEAR 19___.

HIGHEST DEGREE ATTAINED	BACHELOR OF _____	MASTER OF _____
	COLLEGE/UNIVERSITY _____	COLLEGE/UNIVERSITY _____
	DATE _____	DATE _____

TEACHER'S LICENSE #_____	KIND & GRADE _____	DATE OF ISSUE _____	EXPIRATION DATE _____/_____/_____

SUBJECTS COVERED _____ GRADE LEVEL _____

TERMS AND CONDITIONS: This contract may be terminated by the Pastor or Principal at any time for incompetency, immorality, insubordination, inability to perform on the part of the Teacher, or for any other justifiable cause, provided that the Teacher shall have an opportunity to be heard by the Diocesan Board of Education on any such charges. The finding of the Board shall be final. In any event, the Teacher shall not be entitled to compensation after the termination or withdrawal of this appointment. This contract may be terminated at any time by the mutual agreement of both parties of the contract.

SAID Teacher shall faithfully perform all duties of a Teacher in said School and shall use such text materials as are prescribed. Said Teacher shall observe all rules and regulations of the School; shall attend and participate in all meetings prescribed by the School.

THE Administrator shall be responsible to maintain the building, equipment and instructional and any other necessary materials and equipment in good repair, and shall furnish necessary teaching materials and equipment to the Teacher.

IN the event the School is closed during the school year by order of the School Board or Health or other Public Authorities, through no fault of the Teacher, the compensation of the Teacher as provided herein shall not abate unless or until his or her appointment is otherwise terminated or withdrawn as provided above.

FOR RELIGIOUS: This contract shall be considered void if herein named Teacher ceases to function within the School as a member of a religious congregation under assignment to the School by that religious congregation.

This contract is executed in triplicate this _____ day of _____, 19___ and each party has a copy thereof.

_____
Pastor or Principal

_____
Teacher

$_____ Base Pay
$_____ #___ Years Experience
$_____ Increments _____
_____ _____
$_____ _____
$_____ TOTAL

White - Teacher
Yellow - School
Blue - Office of Education

Form T-1 Office of Education – 1971

OFFICE OF EDUCATION DIOCESE OF FORT WAYNE-SOUTH BEND
TEACHER CONTRACT

The Pastor or Principal of _____, _____ representing the Diocesan Board of Education, hereby appoints the Teacher hereinafter named to teach in the school named above for the period indicated and subject to the terms and conditions herein stipulated, as follows:

FOR THE SCHOOL YEAR 19___-19___ SUBJECTS(S) _____

NAME OF TEACHER _____ SOCIAL SECURITY #_____

ADDRESS _____ CITY & STATE _____ ZIP _____ PHONE _____

COMPENSATION: $_____ PER SCHOOL YEAR PAYABLE IN ____ OR ____ EQUAL PAYMENTS BEGINNING IN SEPTEMBER OF THE SCHOOL YEAR 19___.

HIGHEST DEGREE ATTAINED
BACHELOR OF _____ COLLEGE/UNIVERSITY _____ DATE _____
MASTER OF _____ COLLEGE/UNIVERSITY _____ DATE _____

TEACHER'S LICENSE #_____ KIND & GRADE _____ DATE OF ISSUE _____ EXPIRATION DATE _____/_____/_____

SUBJECTS COVERED _____ GRADE LEVEL _____

TERMS AND CONDITIONS: This contract may be terminated by the Pastor or Principal at any time for incompetency, immorality, insubordination, inability to perform on the part of the Teacher, or for any other justifiable cause, provided that the Teacher shall have an opportunity to be heard by the Diocesan Board of Education on any such charges. The finding of the Board shall be final. In any event, the Teacher shall not be entitled to compensation after the termination or withdrawal of this appointment. This contract may be terminated at any time by the mutual agreement of both parties of the contract.
SAID Teacher shall faithfully perform all duties of a Teacher in said School and shall use such text materials as are prescribed. Said Teacher shall observe all rules and regulations of the School; shall attend and participate in all meetings prescribed by the School.
THE Administrator shall be responsible to maintain the building, equipment and instructional and any other necessary materials and equipment in good repair, and shall furnish necessary teaching materials and equipment to the Teacher.
IN the event the School is closed during the school year by order of the School Board or Health or other Public Authorities, through no fault of the Teacher, the compensation of the Teacher as provided herein shall not abate unless or until his or her appointment is otherwise terminated or withdrawn as provided above.
FOR RELIGIOUS: This contract shall be considered void if herein named Teacher ceases to function within the School as a member of a religious congregation under assignment to the School by that religious congregation.

This contract is executed in triplicate this _____ day of _____, 19___ and each party has a copy thereof.

$_____ Base Pay
$_____ #____ Years Experience
$_____ Increments _____
$_____ _____
$_____ _____
$_____ TOTAL

_____
Pastor or Principal

_____
Teacher

White – Teacher
Yellow – School

Form: T-1 Office of Education – 1971

4303

Personnel

Husband and Wife Team

If both husband and wife teach in our Catholic school system, it is recommended that they teach in different schools.

Policy
Adopted: January 25, 1972

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

4560(a)

Personnel

Duties of the Teacher

The teacher is the most important single factor contributing to the success of the school.

Some of the duties of the teachers are as follows:

1. To adhere strictly to all diocesan regulations in regard to the use of adopted textbooks, and following of the daily schedule or time-allotment for the several subject-matter areas, and to make careful school records and report cards.

2. To record exactly the daily attendance of the children. The teacher is to check attendance the first thing each morning and afternoon and is to make every effort to bring about perfect attendance. At the end of the year the attendance sheet is filed in the child's folder.

3. To consult with the principal about all unusual occurrences such as practices, parties, plays, educational tours, field trips, and the like.

4. To share in the responsibility with teacher aides for the care and appearance of the building, playground and surroundings.

5. To plan for routine procedures in the classroom.
6. To make triplicate daily time schedule; one for teachers' desk; two for principals' office.
7. To secure the approval of the principal for all letters to be sent to parents.
8. To arrive in and leave the classroom at the time determined by the principal.
9. To attend and participate in all faculty meetings.
10. To provide that the children pledge allegiance to the flag, and learn the National Anthem and other patriotic songs.

4560(b)

11. To attend the annual Diocesan Institute because it is a teacher paid day. Workshops and meetings at other times of the year are encouraged.
12. To see that prayers are said reverently and at the times indicated by the principal.

DIOCESAN BOARD OF EDUCATION
July 1969 Diocese of Fort Wayne-South Bend

5280

Students

Attendance Religion Program—Non-Catholics

Non-Catholics in Catholic schools, both elementary and high, shall be required to follow the complete Religion Program including religion classes and liturgical functions.

Interpretation:

Catholic schools are not private schools. The purpose of Catholic schools is to educate the whole man—mentally, physically and spiritually. All students are expected to acquire the Christian philosophy of life and know the teachings of the Catholic faith.

The students are expected to attend liturgical functions but are not required to participate in them.

In some cases, e.g., when second grade students are preparing for Holy Communion, the principal, with the consent of the pastor, may set up an alternative program.

Policy
Adopted: November 20, 1972

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

5600

Students

Philosophy and Objectives

Each school shall develop its own statement of philosophy, consistent with the principles and spirit of Christian education. It shall be stated in writing and shall list the major objectives which are to be realized through the educational program.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

5625

Students

Curriculum

The curriculum of the Catholic School introduces the child and youth into a simple but comprehensive view of God, man and the universe. The student advances progressively by ordered knowledge to "a universal and articulate comprehension of human achievements in science and culture". (Maritain)

Education at the Crossroads

Where Catholic education is successful, the Truth of Christ operates in the minds of the students as the focal point of thought and life. Within the framework of religious values the student learns to use his freedom reasonably, and reinforce what he learns by the way he acts.

Mastery of the basic subjects is fundamental to later progress in the communication skills, literature and the natural and social sciences.

Music and art are subjects of great importance and worth. To teach these subjects well without neglecting the foundation subjects is the ideal of every teacher.

The major areas and the content budget of each subject taught in the elementary schools of the diocese will be found on the timed programming chart and in the manuals that accompany the adopted texts.

Monsignor Lester
Diocese of Fort Wayne-South Bend

July 1969

5640(a)

Students

Program of Studies—Secondary

1. Each school shall require at least sixteen (16) units of credit for graduation.
2. The time schedule and distribution of courses, required and elective, shall meet state requirements.
3. The instructional media center shall be adequately equipped, based on the number of students and the needs of instruction in all courses. The annual per capita expenditures required by the State shall be met.
4. Teachers of religion shall have the same qualifications as those required of teachers in other subject areas.

5. Until the State certifies religion teachers the salary shall be based on licensed teachers in other areas.
6. The number of teacher staff employed should be adequate to provide effective instruction, direction of extra-curricular activities, counseling and other educational services.
7. The average ratio of instructors to pupils shall not exceed the State regulations and no teacher, therefore, should have more than five (5) class periods of teaching or its equivalent.
8. The high schools shall follow the calendar of the local public school districts and shall teach the number of days required by the State.
9. Each school shall organize its daily and weekly schedule on a pattern most appropriate for its educational program. Any departure from the number of minutes required for each class period shall be taken up directly with the State Department of Public Instruction.
10. No student shall be allowed to graduate nor participate in the graduation program who has not fulfilled, in fact, all academic requirements of the local school.
11. The method of honoring top students in the graduating class shall be decided by the local high school.

5650

Students

Extracurricular Activities

1. Each school shall maintain a well-balanced program of extracurricular activities with well-defined objectives.
2. The administration and supervision of all such activities shall be the responsibility of the administration and faculty.

3. Regulations for participation in interscholastic competition shal lbe consistent with those formulated by the IHSAA.
4. All activities as much as possible shall be scheduled at times which do not interfere with the regular classroom program.

SECONDARY SCHOOL PRINCIPALS
Diocese of Fort Wayne-South Bend

July 20, 1970

5670

Students

Accreditation

Every diocesan school must meet the minimum requirements of the State Department of Public Instruction. They are, furthermore, encouraged to attain the highest standard of excellence developed by the Department of Public Instruction and the North Central Association of Secondary Schools.

It is the principal's responsibility to request the inspection prior to the expiration of State Accreditation.

Policy
Adopted: July 20, 1970

DIOCESAN BOARD OF EDUCATION
Diocese of Fort Wayne-South Bend

EXHIBIT 13

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
THIRTEENTH REGION

Case No. 13-CA-14944

THE CATHOLIC BISHOP OF CHICAGO,
A CORPORATION SOLE

and

ILLINOIS EDUCATION ASSOCIATION

COMPLAINT AND NOTICE OF HEARING

It having been charged by Illinois Education Association (herein called the Charging Party) that The Catholic Bishop of Chicago, a Corporation Sole (herein called Respondent), has engaged in, and is engaging in, certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C., Sec. 151, *et seq.* (herein called the Act), the General Counsel of the National Labor Relations Board, on behalf of the National Labor Relations Board (herein called the Board), by the undersigned Regional Director for the Thirteenth Region, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, Series 8, as amended, hereby issues this Complaint and Notice of Hearing and alleges as follows:

I

The charge herein was filed by the Charging Party on December 5, 1975, and was served on Respondent, by registered mail, on December 9, 1975.

II

(a) Respondent is, and has been at all times material herein, a corporation duly organized under, and existing by virtue of the laws of the State of Illinois.

(b) At all times material herein, Respondent has operated two religiously oriented high schools, Quigley North and Quigley South. These facilities are the only facilities involved in this proceeding.

(c) Respondent, annually, in the course and conduct of its operations of Quigley North and Quigley South, has an operating budget in excess of $1,000,000.

(d) Respondent, annually, in the course and conduct of its operations of Quigley North and Quigley South, has purchased goods and materials from directly outside the State of Illinois in an amount valued in excess of $65,000.

III

Respondent is, and at all times material herein has been, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

IV

Quigley Education Association, An Affiliate of Illinois Education Association (herein called the Union) is, and at all times material herein has been, a labor organization within the meaning of Section 2(5) of the Act.

V

At all times material herein, Reverend Monsignor Francis A. Brackin, has occupied the position of Vicar General, and has been and is now, a supervisor and/or Agent of Respondent, acting on its behalf, within the meaning of Sections 2(11) and (13) of the Act.

VI

All full-time and regular part-time lay teachers including physical education teachers employed by the Respondent at the Quigley North and Quigley South Schools, Chicago, Illinois, excluding rectors, procurators, dean of studies, business manager, director of student activities, director of formation, director of counseling services, office clerical employees, maintenance employees, cafeteria workers, watchmen, librarians, nurses, all religious faculty, and all guards and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

VII

On or about October 17, 1975, a majority of the employees of Respondent in the unit described above in paragraph VI, by a secret ballot election conducted under the supervision of the Regional Director for the Thirteenth Region of the Board, designated and selected the Union as their representatives for the purposes of collective bargaining with Respondent, and on or about November 3, 1975, the Regional Director, Thirteenth Region, certified the Union as the exclusive collective bargaining representative of the employees in said unit.

VIII

Commencing on or about November 7, 1975, and continuing to date, the Charging Party, on behalf of the Union, has requested, and is requesting Respondent to bargain collectively with respect to wages, hours and other terms and conditions of employment as the exclusive bargaining representative of all of Respondent's employees in the unit described above in paragraph VI.

IX

Commencing on or about November 25, 1975, and continuing to date, Respondent did refuse, and continues to refuse to bargain collectively with the Union notwithstanding that the Union was at the time and continues to be the duly designated exclusive collective-bargaining representative of the employees, as described above in paragraphs VI, VII and VIII.

X

By the acts and conduct described in paragraph IX above, and by each of said acts, Respondent has engaged in, and is engaging in, unfair labor practices affecting commerce within the meaning of Section 8(a)(5) and (1) and Section 2(6) and (7) of the Act.

PLEASE TAKE NOTICE that on the 2nd day of March, 1976, at 10:00 a.m. in Room 881, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Complaint, at which time and place you will have the right to appear in person, or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as amended, the Respondent shall file with the undersigned Regional Director, acting in this matter as an agent of the National Labor Relations Board, an original and four (4) copies of an Answer to said Complaint within (10) days from the service thereof, and that unless it does so, all of the allegations in the Complaint shall be deemed to be admitted to be true and may be so found by the Board. Immediately upon the filing of its Answer, Respondent shall serve a copy thereof on each of the other parties.

Form NLRB-4668, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Cases, is attached.

DATED at Chicago, Illinois, this 19th day of December, 1975.

/s/ Alex V. Barbour
ALEX V. BARBOUR
Regional Director
National Labor Relations Board
Thirteenth Region
Room 881
Everett McKinley Dirksen Bldg.
Chicago, Illinois 60604

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The hearing will be conducted by an Administrative Law Judge of the National Labor Relations Board. He will preside at the hearing as an independent, impartial trier of the facts and the law and his decision in due time will be served on the parties. His headquarters are either in Washington, D.C. or San Francisco, California.

At the date, hour, and place for which the hearing is set, the Administrative Law Judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to assure that the issues are sharp and clear-cut; or he may, on his own initiative, conduct such a conference. He will preside at any such conference, but he may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record—for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the Administrative Law Judge conducting the prehearing conference will be the one who will conduct the hearing; and *it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference.* No prejudice will result to any party unwilling to participate in or to make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the Administrative Law Judge for his approval.

All matters that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the Administrative Law Judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the Administrative Law Judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The Administrative Law Judge will allow an automatic exception to all adverse rulings, and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies shall also be supplied to other parties. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy before the close of hearing. In the event such copy is not submitted, and the filing thereof has not for good reason shown been waived by the Administrative Law Judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. In the absence of a request, the Administrative Law Judge may himself ask for oral argument, if at the close of the hearing he believes that such argument would be beneficial to his understanding of the contentions of the parties and the factual issues involved.

Any party shall also be entitled upon request made before the close of the hearing, to file a brief of proposed findings and conclusions, or both, with the Administrative Law Judge who will fix the time for such filing.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations with respect to the procedure to be followed *before* the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the Administrative Law Judge will be considered unless received by the Chief Administrative Law Judge in Washington, D.C. (or in cases under the San Francisco, California branch office of the Division of Judges, the Presiding Judge in charge of such office) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously upon all other parties, and proof of such service furnished to the Chief Administrative Law Judge or Presiding Judge as the case may be. All briefs or proposed findings filed with the Administrative Law Judge must be submitted in triplicate, and may be in typewritten, printed, or mimeographed form, with service upon the other parties.

In due course the Administrative Law Judge will prepare and file with the Board his decision in this proceeding, and will cause a copy thereof to be served upon each of the parties. Upon filing of the said decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, upon all parties. At that point, the Administrative Law Judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the Administrative Law Judge's Decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, Series 8, as amended, particularly in Section 102.46, and following sections. A summary of the more pertinent of these pro-

visions will be served upon the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the Act reduce government expenditures and promote amity in labor relations. Upon request, the Administrative Law Judge will afford reasonable opportunity during the hearing for discussions between the parties if adjustment appears possible, and may himself suggest it.

EXHIBIT 16

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
THIRTEENTH REGION

Case No. 13-CA-14944

THE CATHOLIC BISHOP OF CHICAGO,
A CORPORATION SOLE

and

ILLINOIS EDUCATION ASSOCIATION

AMENDMENT TO COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended, the Complaint and Notice of Hearing heretofore issued in the above-captioned case on December 19, 1975 is hereby amended as follows:

Paragraph VIII is deleted and the following paragraph substituted in its place:

Commencing on or about November 7, 1975, and continuing to date, the Union has requested, and is requesting Respondent to bargain collectively with respect to wages, hours and other terms and conditions of employment as the exclusive bargaining representative of all of Respondent's employees in the unit described above in paragraph VI.

DATED at Chicago, Illinois this 6th day of January, 1976.

/s/ Alex V. Barbour
ALEX V. BARBOUR
Regional Director
National Labor Relations Board
Thirteenth Region
Room 881
Everett McKinley Dirksen Bldg.
219 South Dearborn Street
Chicago, Illinois 60604

EXHIBIT 15

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
THIRTEENTH REGION

Case No. 13-CA-14944

THE CATHOLIC BISHOP OF CHICAGO,
A CORPORATION SOLE

and

ILLINOIS EDUCATION ASSOCIATION

ANSWER

Now come THE CATHOLIC BISHOP OF CHICAGO, A CORPORATION SOLE (hereinafter referred to as "Respondent") by its attorney, and answers the Complaint in the above captioned matter as follows:

I

Respondent admits the allegations of Paragraph I that the Charge was filed by the Charging Party on December 5, 1975, that the Charge was served on Respondent on or about December 9, 1975, but affirmatively avers that the Charge herein is defective for the reason that the declaration contained therein does not conform to the requirements of the Board's Rules and Regulations, specifically those contained in 29 CFR § 102.11.

II

(a) Respondent admits the allegations of Paragraph II(a) and affirmatively avers that it is incorporated under a Special Act of the Illinois Legislature to carry forth religious, charitable and related non-commercial and non-profit purposes.

(b) Respondent denies each and every allegation contained in the first sentence of Paragraph II(b) and affirmatively avers that at all times material herein it has operated two minor seminaries denominated herein as Quigley North and Quigley South which are part of the Archdiocesan Seminary System. Respondent admits the allegations contained in the second sentence of Paragraph II(b).

(c) Respondent denies each and every allegation of Paragraph II(c) but admits that in the fiscal year 1974 to 1975 the budgeted operating expenses of Quigley North were $289,625.56 and the budgeted operating expenses of Quigley South were $929,883.00.

(d) Respondent denies each and every allegation in Paragraph II(d) but admits that in the fiscal year 1973 to 1974 goods and materials purchased directly from outside the State of Illinois for Quigley North were $25,912.00 and for Quigley South were $39,500.00.

III

Respondent denies each and every allegation contained in Paragraph III of the Complaint.

IV

Respondent admits the allegations contained in Paragraph IV of the Complaint.

V

Respondent admits the allegation contained in Paragraph V of the Complaint that the Reverend Monsignor Francis A. Brackin is the Vicar General of the Archdiocese of Chicago, but denies that he is a "Supervisor and/or Agent of Respondent . . . within the meaning of Sections 2(11) and 2(13) of the Act."

VI

Respondent denies each and every allegation contained in Paragraph VI of the Complaint but admits that the

National Labor Relations Board on September 16, 1975 in its Decision reported at 220 NLRB No. 63 ordered an election in the unit as described in Paragraph VI of the Complaint.

VII

Respondent admits the allegations contained in Paragraph VII of the Complaint.

VIII

Respondent denies the allegation contained in Paragraph VIII of the Complaint that the Charging Party, on behalf of the Union, has requested and is requesting to bargain collectively with Respondent.

IX

Respondent admits the allegations of Paragraph IX that it has declined to bargain with the Union but denies that the Union can be the duly designated collective bargaining representative of the employees.

X

Respondent denies each and every allegation contained in Paragraph X of the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint is not actionable since the underlying Charge is defective.

SECOND AFFIRMATIVE DEFENSE

Respondent is exempt from the jurisdiction of the National Labor Relations Act, as amended, for the reason that it is a not for profit and religious entity engaged, in this instance, in the operation of minor seminaries of the Archdiocese of Chicago.

THIRD AFFIRMATIVE DEFENSE

The institutions involved in this matter do not meet the jurisdictional standard promulgated by the Board as 29 CFR § 103.1.

FOURTH AFFIRMATIVE DEFENSE

Respondent's impact on commerce is slight, the institutions are local in nature and no substantial affect upon interstate commerce either from the institutions involved herein, or the class of institutions to which they belong, would eventuate from any labor dispute which might occur.

FIFTH AFFIRMATIVE DEFENSE

Any assertion of jurisdiction by the National Labor Relations Board constitutes a violation of the United States Constitution and particularly the First Amendment thereto.

WHEREFORE, Respondent denies that any unfair labor practice, and specifically those unfair labor practices alleged, have been committed and respectfully prays that the Complaint be dismissed and the Notice of Hearing vacated.

Respectfully submitted,

/s/ Donald C. Moss
DONALD C. MOSS

/s/ James A. Serritella
JAMES A. SERRITELLA
200 East Randolph Drive
Suite 5600
Chicago, Illinois 60601
(312) 861-2000

Of Counsel
Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601

Dated: December 31, 1975

CERTIFICATE OF SERVICE

DONALD C. MOSS, one of the attorneys for THE CATHOLIC BISHOP OF CHICAGO, A CORPORATION SOLE, hereby certifies that a true copy of the foregoing Answer has been mailed to the following persons by depositing same with the United States Postal Service, Certified Mail, postage prepaid on this 31st day of December, 1975:

Illinois Education Association
c/o Edward Kalish
1-S-132 Summit Avenue
Oak Brook Terrace
Villa Park, Illinois 60181

Samuel Edes, Attorney
Edes & Rosen
One North LaSalle Street,
Suite 3000
Chicago, Illinois 60602

/s/ Donald C. Moss
DONALD C. MOSS

EXHIBIT 18

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
THIRTEENTH REGION

Case No. 13-CA-14944

THE CATHOLIC BISHOF OF CHICAGO,
A CORPORATION SOLE

and

ILLINOIS EDUCATION ASSOCIATION

AMENDMENT TO ANSWER

Now comes THE CATHOLIC BISHOP OF CHICAGO, A CORPORATION SOLE (hereinafter referred to as "Respondent") by its attorney, and answers the Amendment to Complaint pursuant to Section 102.23 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended, in the above-captioned matters as follows:

Paragraph VII of Respondent's Answer filed December 31, 1975 is deleted and the following is substituted in its place:

VII

Respondent admits the allegations contained in Paragraph VII of the Amendment to Complaint dated 6 January 1976.

Respectfully submitted,

/s/ Donald C. Moss
DONALD C. MOSS

/s/ James A. Serritella
JAMES A. SERRITELLA
200 East Randolph Drive
Suite 5600
Chicago, Illinois 60601
(312) 861-2000

Of Counsel
Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601

Dated: January 16, 1976

CERTIFICATE OF SERVICE

DONALD C. MOSS, one of the attorneys for THE CATHOLIC BISHOP OF CHICAGO, A COPORATION SOLE, hereby certifies that a true copy of the foregoing Amendment to Answer has been mailed to the following persons by depositing same with the United States Postal Service, Certified Mail, postage prepaid on this 16th day of January, 1976:

Illinois Education Association
c/o Edward Kalish
1-S-132 Summit Avenue
Oak Brook Terrace
Villa Park, Illinois 60181

Samuel Edes, Attorney
Edes & Rosen
One North LaSalle Street,
Suite 3600
Chicago, Illinois 60602

/s/ Donald C. Moss
DONALD C. MOSS

APPENDIX 2

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION TWENTY-FIVE

Case No. 25-CA-7622

DIOCESE OF FORT WAYNE-SOUTH BEND, INC.

and

COMMUNITY ALLIANCE FOR TEACHERS OF CATHOLIC HIGH SCHOOLS (C.A.T.C.H.)

COMPLAINT AND NOTICE OF HEARING

It having been charged by the Community Alliance for Teachers of Catholic-High Schools (C.A.T.C.H.), herein called the Union, that the Diocese of Fort Wayne-South Bend, Inc., herein called the Respondent, has engaged in, and is engaging in certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 61 Stat. 136, 73 Stat. 519, herein called the Act, the General Counsel of the National Labor Relations Board, herein called the Board, on behalf of the Board, by the undersigned Regional Director for Region Twenty-five, pursuant to Section 10 (b) of the Act and the Board's Rules and Regulations—Series 8, Section 102.15, hereby issues this Complaint and Notice of Hearing and alleges as follows:

1. The original charge was filed by the Union on December 23, 1975, and served on the Respondent by registered mail on or about December 23, 1975.

2. (a) The Respondent is, and has been at all times material herein, a not-for-profit corporation duly organized under, and existing by virtue of, the laws of the State of Indiana.

(b) At all times material herein, the Respondent has maintained its principal office and place of business at

Fort Wayne, Indiana, and at various other facilities in the State of Indiana, and is, and has been at all times material herein, engaged at said facilities in the operation of private non-profit educational institutions.

(c) During the past twelve months, a representative period, the Respondent, in the course and conduct of its operation, received a gross volume of revenue for unrestricted use exceeding $1,000,000.00 During the same representative period, the Respondent, in the course and conduct of its operation, purchased and received at its Indiana facilities, goods and materials valued in excess of $50,000.00 directly from points located outside the State of Indiana.

(d) The Respondent is now, and has been at all times material herein, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

3. The Union, is, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

4. At all times material herein, the following-named persons occupied positions set opposite their respective names, and have been and are now agents of the Respondent at its facilities, acting on its behalf, and are supervisors within the meaning of Section 2(11) of the Act:

Rev. James Seculoff	Superintendent
Bishop Leo A. Pursley	Bishop, Diocese of Fort Wayne-South Bend

5. (a) All full time and regular part time lay (non-religious) professional faculty members of the Employer's five high schools, including teachers, librarians, guidance deans, moderators of student council and all department chair persons who are teachers, athletic directors, employees of the Respondent employed at its facilities exclusive of religious, all office clerical employees, teacher aids, (part time para-professionals), cafeteria workers, assistant or vice principals, business managers, nurses, custodians, guards and all supervisors as defined in the

Act constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act.

(b) On or about June 4, 1975, a majority of the employees of the Respondent in the unit described above in paragraph 5(a), by a secret ballot election conducted under the supervision of the Regional Director for Region Twenty-five of the National Labor Relations Board, designated and selected the Union as their representative for the purposes of collective bargaining with the Respondent, and on or about September 12, 1975, said Regional Director certified the Union as the exclusive collective bargaining representative of the employees in said unit.

(c) At all times since September 12, 1975, and continuing to date, the Union has been the representative for the purposes of collective bargaining of the employees in the unit described above in paragraph 5(a), and, by virtue of Section 9(a) of the Act, has been, and is now, the exclusive representative of all the employees in said unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment.

6. (a) Commencing on or about September 12, 1975, and continuing to date, and more particularly on September 26, October 16, November 14, and December 23, 1975, the Union has requested, and is requesting, the Respondent to bargain collectively with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment as the exclusive collective bargaining representative of all the employees of the Respondent in the unit described above in paragraph 5(a).

(b) On or about September 26, October 16, and November 14, 1975 the Union mailed and caused to be delivered to the Respondent, the letters marked respectively as Appendices A, B, and C, copies of which are attached hereto and made a part hereof.

7. (a) On or about January 12, 1976 the Respondent, by counsel, mailed and caused to be delivered to Region Twenty-five of the Board, and a copy thereof to the

Union, the letter marked Appendix D, a copy of which is attached hereto and made a part hereof.

(b) Commencing on or about September 12, 1975, and at all times thereafter, the Respondent did refuse, and continues to refuse, to negotiate with the Union, as the exclusive collective bargaining representative of all the employees in the unit described above in paragraph 5(a), matters with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment.

(c) By the acts and conduct described above in paragraphs 7(a) and (b), the Respondent did refuse, and continues to refuse, to bargain collectively with the Union as the exclusive bargaining representative of all the employees in the unit described above in paragraph 5(a).

8. By the acts described above in paragraph 7, and by each of said acts, the Respondent did engage in, and is engaging in, unfair labor practices affecting commerce within the meaning of Section 8(a)(5) and Section 2(6) and (7) of the Act.

9. By the acts described above in paragraphs 7 and 8, and by each of said acts, the Respondent did interfere with, restrain, and coerce, and is interfering with, restraining, and coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act, and thereby did engage in, and is engaging in, unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and Section 2(6) and (7) of the Act.

10. The acts of the Respondent described in paragraphs 7 through 9 above, occurring in connection with the operations of the Respondent described in paragraph 2 above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

11. The acts of the Respondent described above constitute unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and (5) and Section 2 (6) and (7) of the Act.

PLEASE TAKE NOTICE that on the 22nd day of March, 1976, at 10:00 A.M. (EST) and consecutive days thereafter until concluded, at the Library Annex, Second Floor, United States Post Office Building, 1300 South Harrison Street, Fort Wayne, Indiana, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Complaint, at which time and place you will have the right to appear in person, or otherwise, and give testimony. Form NLRB 4668, Statement of Standard Procedure in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Cases, is attached.

You are further notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, the Respondent shall file with the undersigned Regional Director, acting in this matter as agent of the National Labor Relations Board, an original and four (4) copies of an answer to said Complaint within ten (10) days from the service thereof and that unless it does so, all of the allegations in the Complaint shall be deemed to be admitted to be true and may be so found by the Board. Immediately upon the filing of its answer, the Respondent shall serve a copy thereof on each of the other parties.

DATED AT Indianapolis, Indiana, this 14th day of January, 1976.

/s/ Wm. T. Little
WM. T. LITTLE
Regional Director
National Labor Relations Board
Region Twenty-five
Room 232
Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

APPENDIX 3

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION TWENTY-FIVE

Case No. 25-CA-7622

DIOCESE OF FORT WAYNE-SOUTH BEND, INC.

and

COMMUNITY ALLIANCES FOR TEACHERS OF
CATHOLIC HIGH SCHOOLS (C.A.T.C.H.)

ANSWER TO COMPLAINT CHARGING UNFAIR LABOR PRACTICE

Diocese of Fort Wayne-South Bend, Inc. (hereinafter referred to as "Respondent"), a Not-For-Profit Corporation incorporated under the Laws of the State of Indiana, for Answer to Complaint of the General Counsel of the National Labor Relations Board by the Regional Director for Region Twenty-five of the National Labor Relations Board states as follows:

I

Respondent admits the allegations of Paragraph 1 that the charge was filed by the Charging Party on December 23, 1975, and served on the Respondent on or about December 23, 1975.

II

(a) Respondent admits the allegations of Paragraph 2. (a)(b) and (c) and affirmatively avers that it is incorporated to carry forth religious, charitable and related non-commercial and non-profit purposes.

(b) Respondent denies the allegation of Paragraph 2 (d) and affirmatively avers that it is not an Employer engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act.

(c) The Catholic Parochial High Schools, within which the members of the Community Alliance for Teachers of Catholic High Schools (C.A.T.C.H.) teach, are institutions over which the National Relations Board should decline to assert jurisdiction under Section 14(c)(1) of the Act as amended; and any assertion of jurisdiction by the National Labor Relations Board violates the First Amendment to the United States Constitution for the reason that any assertion of jurisdiction would constitute an intrusion by the Federal Government into the operation of religiously operated and oriented parochial high schools.

III

Respondent denies each and every allegation contained in Paragraph 3 and affirmatively avers that Section 2 (5) of the Act does not contemplate a federal government certified labor union in a private religiously operated and oriented high school.

IV

Respondent admits the allegations contained in Paragraph 4.

V

Respondent denies each and every allegation contained in Paragraph 5(a) and admits the allegations contained in Paragraphs 5(b) and (c).

VI

Respondent admits the allegations contained in Paragraph 6(a) and (b).

VII

Respondent admits the allegations contained in Paragraph 7 (a) (b) and (c) of the Complaint and repeats its affirmative averment as set forth in Paragraph II (c) herein.

VIII

Respondent denies each and every allegation contained in Paragraph 8.

IX

Respondent denies each and every allegation contained in Paragraph 9.

X

Respondent denies each and every allegation contained in Paragraph 10.

XI

Respondent denies each and every allegation contained in Paragraph 11.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Respondent is exempt from the jurisdiction of the National Labor Relations Act as amended for the reason that it is a not-for-profit and religious entity engaged in this instance in the operation of five private religiously oriented high schools in four separate communities in Northwest and Northeast Indiana.

SECOND AFFIRMATIVE DEFENSE

The institutions involved in this matter do not meet the jurisdictional standard promulgated by the Board at 29 CFR Section 103.1.

THIRD AFFIRMATIVE DEFENSE

One week's time was afforded the Respondent by the National Labor Relations Board to prepare for the Hearing at Fort Wayne, Indiana, June 24, 1975. By reason thereof, the Business Manager of the Diocese, on vacation at the time, was unavailable to testify at the Hearing relative to the financial affairs of the Diocese. His testimony would have been material to establish that the impact of the Diocese on Interstate Commerce is slight, the local institutions are local in nature and no substantial affect upon Interstate Commerce either from the institutions involved herein or the class of institutions to which they belong, would eventuate from any labor dispute which might occur.

Likewise Respondent was unable in the time allowed for Hearing prepare to secure the expert testimony of a Canon Lawyer whose testimony would be material in establishing the essentially exempt status of a religious body to proceedings before the National Relations Board as provided for by the Free Exercise Clause of the First Amendment to the United States Constitution.

The limited time constraints imposed by the National Labor Relations Board and afforded for Hearing preparation by Respondent was a denial of Due Process provided for and protected by the 14th Amendment to the U.S. Constitution.

FOURTH AFFIRMATIVE DEFENSE

Any assertion of jurisdiction by the National Labor Relations Board constitutes a violation of the United States Constitution and particularly the First Amendment thereto.

WHEREFORE, Respondent denies that any unfair labor practice, and specifically those unfair labor practices alleged, have been committed and respectfully prays that the Complaint be dismissed and the Notice of Hearing vacated.

Respectfully submitted,

/s/ Jerome J. O'Dowd
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Of Counsel
Kirkland & Ellis
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DATED: January 22, 1976

I certify that a copy of the above pleading has been mailed by U.S. Mail to all other Parties to this action or their record attorneys.

Jerome J. O'Dowd
Attorney-at-law

Date 1/22/76

By /s/ J. J. O'Dowd

APPENDIX 4

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 25

Case No. 25-CA-7622

DIOCESE OF FORT WAYNE-SOUTH BEND, INC.

and

COMMUNITY ALLIANCES FOR TEACHERS OF
CATHOLIC HIGH SCHOOLS (C.A.T.C.H.)

AMENDMENT TO ANSWER

Now comes the DIOCESE OF FORT WAYNE-SOUTH BEND, INC., (hereinafter referred to as "Respondent") by its attorneys, and files this Amendment to Answer pursuant to Section 102.23 of the Rules and Regulations of the National Labor Relations Board, Series 8, as amended:

Paragraph II(a) of Respondent's Answer filed January 22, 1976, admitted the allegations contained in the Complaint in Paragraph 2(a), (b) and (c) and went on to an affirmative averral of its incorporated purposes. Respondent would delete only the affirmative averral and would substitute the following in its stead:

II

". . . and affirmatively avers that the Diocese of Fort Wayne-South Bend, Inc., which is incorporated to carry forth religious, charitable and related non-commercial and non-profit purposes, received a gross volume of revenue for unrestricted use exceeding $1,000,000.00 for Diocesan operations and in the conduct of the Diocesan operations purchased and received goods and materials valued in excess of $50,000.00 directly from points located out-

side the State of Indiana. Respondent makes these admissions without prejudice to its contentions contained in the second affirmative defense, *infra.*

Paragraph III of Respondent's Answer filed January 22, 1976, is deleted and the following is substituted in its stead:

III

"Respondent admits the allegations contained in Paragraph 3 but affirmatively avers that the Act, and specifically Section 2(5) of the Act, does not contemplate or embrace labor organizations which exist for the purpose of dealing with private religiously operated and oriented educational institutions."

Paragraph IV of Respondent's Answer filed January 22, 1976, is deleted and the following is substituted in its stead:

IV

"Respondent admits the allegations contained in Paragraph I of the Complaint that Rev. James Seculoff is the Superintendent and Bishop Leo A. Pursley is the Bishop, Diocese of Fort Wayne-South Bend, but denies they are supervisors within the meaning of Section 2(11) of the Act since the Act does not apply."

Paragraph V of Respondent's Answer filed January 22, 1976, is deleted and the following is substituted in its stead:

V

"Respondent admits the allegations contained in Paragraph 5(b), denies each and every allegation in Paragraph 5(a), but admits the National Labor Relations Board in Case No. 25-RC-5984 ordered an election in the unit as described in Paragraph 5(a) of the Complaint. Further, Respondent denies the allegations contained in Paragraph 5(c) of the Complaint that the Union can be the representative for purposes of collective bargaining and since it is exempt from the application of the Act, as amended.

Respectfully submitted,

/s/ Jerome J. O'Dowd
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Of Counsel
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Chicago, Illinois 60601

DATED: February 9, 1976

I certify that a copy of the above pleading has been mailed by U.S. Mail to all other Parties to this action or their record attorneys.

Jerome J. O'Dowd
Attorney-at-law
Date 2/17/76

By /s/ J. J. O'Dowd

SUPREME COURT OF THE UNITED STATES

No. 77-752

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

THE CATHOLIC BISHOP OF CHICAGO, ET AL.

ORDER ALLOWING CERTIORARI

Filed February 21, 1978

The petition herein for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit is granted.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1978 283712 123